BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of:
COUNTY OF LOS ANGELES,
Respondent.

Respondent County of Los Angeles ("County") funded nearly $1 million of communications regarding Measure H, a countywide sales tax increase on the ballot in the March 7, 2017 Special Election.

The communications in this case occurred in 2016 and 2017. For this reason, all legal references and discussions of law pertain to the Act’s provisions as they existed at that time.

The FPPC’s position is that under its definition of campaign related communications found in Regulation 18420.1, Los Angeles County et al.’s activities qualified it as an independent expenditure committee, triggering the Act’s filing and disclosure requirements for independent expenditure committees including having its name and “paid for by” on the television, radio and on-line communications to disclose the true source of these campaign efforts made in support of Measure H, as required by Section 84506, subdivision (a), and Regulation section 18450.4, subdivision (b)(1). The cost to the County for the communications totaled approximately $814,412.50.

Because this case involves the advertising rules under the Act, the administrative remedy
available is stated in former Section 84510. Section 84510 allowed for a monetary penalty in an amount up to three times the cost of the advertisement, including placement cost, for violations of the advertisement disclosure requirements of the Act. In this matter, three times the cost of the communications would be $2,443,237.50 ($814,412.50 x 3). The civil penalty available is the same.

The County disagrees with the enforceability of Regulation 18420.1, and contends that a pending lawsuit challenging the regulation will hold it to be unenforceable. This settlement shall not be considered an admission of liability by Defendant in connection with this matter, any pending or future administrative enforcement matter by the Fair Political Practices Commission, or any pending or future civil or criminal matter.

The Fair Political Practices Commission’s approval of this settlement in conjunction with the civil settlement of the Howard Jarvis Taxpayers, et. al. vs. Los Angeles County, Superior Court Case No. BC714579 and Appellate Court Case No. 8302793 and the conditions and requirements of that settlement— including paying a total of $1.35 million, which shall include a settlement amount of one million two hundred thousand dollars ($1,200,000) pursuant to Government Code section 91009 and one hundred and fifty thousand dollars ($150,000) for legal expenses pursuant to Government Code section 91012 - fully resolves its enforcement proceedings against Los Angeles County in FPPC Enforcement Cases No. 17/150 and No. 18/1258. The details of the conditions of the settlement are found in the attached settlement agreement and are fully incorporated herein.

If the Commission declines to approve this contingent stipulation, then the FPPC cases will not be dismissed and the administrative case will resume as this stipulation shall become null and void. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation and all disclosure required by Regulation 18361.4(b)(3) will occur.

The parties to this agreement may execute their respective signature pages separately. A copy of any party’s executed signature page including but not limited to a hardcopy of a signature page

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1 §84510, subd. (a).
transmitted as a PDF email attachment is as effective and binding as the original.

Dated: 
Galena West, Chief of Enforcement
Fair Political Practices Commission

Dated: 7.30.2020
[Redacted], on behalf of County of Los Angeles

The foregoing stipulation of the parties “In the Matter of County of Los Angeles,” FPPC Nos. 2017/0150 and 2018/1258 is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Vice-Chair.

IT IS SO ORDERED.

Dated: 
Alison Hayward, Vice-Chair
Fair Political Practices Commission