



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 11, 2023

Acton Agua Dulce Unified School District
32248 Crown Valley Road
Acton, CA 93510

Re: Warning Letter: FPPC No. 2018-01386, In the Matter of Acton-Agua Dulce Unified School District, Larry King.

Acton-Agua Dulce Unified School District,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint alleging that the District sent a letter regarding a local ballot measure in the days before the November 6, 2018, General Election, in violation of Section 89001. The Enforcement Division has completed its investigation and found that the District sent a campaign-related mailing at public expense.

The Act prohibits sending a newsletter or other mass mailing at public expense. Specifically, mass mailing is prohibited if (1) the item is a tangible item; (2) the item expressly advocates the qualification, passage, or defeat of a clearly identified measure, or unambiguously urges a particular result in an election; (3) public moneys are paid to distribute the item, or to prepare the item, for more than \$50, with the intent of sending the item; and (4) more than 200 substantially similar items are sent during the course of an election. This prohibition limits the public subsidy of political campaigns, which would grant an unfair advantage to governmental bodies that desire to use public resources in pursuit of favorable election results.

Our investigation found that the District distributed a letter and a fact sheet, on or around October 22, 2018, related to Measure CK, a bond measure placed on the ballot by the Board of the Acton-Agua Dulce Unified School District. The District spent over \$50 on postage to distribute over 200 copies of the mailer to voters within the jurisdiction. The letter was addressed to community members and was an appeal from then-Superintendent, Larry King. The letter also included a fact sheet. Both documents included language that unambiguously urged a vote in favor of Measure CK. For example, the letter stressed that District was in “desperate need of repairs and renovations” and that the bond measure would, “enhance our students’ education and have a positive impact on the entire community.” The fact sheet, in addition to explaining the bond measure, emphasized the benefit to the local community and that costs were expected to increase, implying urgency in voting for this bond measure. In addition, the fact sheet stressed that there were “no feasible alternatives” to fund the necessary renovations and modernization of the district’s

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

facilities. Taken together with the informational material about the bond measure, the letter and fact sheet unambiguously urge the reader to vote in favor of the measure.

In mitigation, the District spent a small sum of public money, approximately \$500, to mail the letter. Therefore, the public harm was relatively low. The District does not have a prior history of violating the Act. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.² Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.³ This resolution may not be used as a comparable case for other enforcement matters.⁴

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please visit our website at www.fppc.ca.gov. Please feel free to contact me at tgilbertson@fppc.ca.gov or (916) 323-6421 (voicemail) with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gilbertson', with a stylized flourish at the end.

Theresa Gilbertson

² <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

³ Regulations 18360.1 and 18360.3.

⁴ See Regulation 18361.5, subdivision (e)(3).

Senior Commission Counsel
Enforcement Division

CC: Stephen Petzold, Sworn Complainant