



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

September 15, 2023

Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council
Gary Crummitt, Treasurer
[REDACTED]

Warning Letter re: FPPC No. 2023-00617; Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council; Crummitt

Dear Committee and Gary Crummitt:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, the Enforcement Division received an anonymous complaint alleging that you violated the campaign disclosure provisions.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you made independent expenditures to oppose a candidate on the November 8, 2022 ballot, however, you failed to file a Verification of Independent Expenditures (Form 462). Additionally, we found that you failed to timely file an amendment to the committee's Statement of Organization (Form 410) to disclose the committee qualification date.

The Act requires committees that make independent expenditures totaling, in the aggregate, \$1,000 or more in a calendar year to support or oppose a candidate or ballot measure to file Form 462 within 10 days.² Form 462 is to verify that the independent expenditures were not coordinated with the affected candidate or their opponent and the committee did not receive unreported contributions or reimbursements to make the independent expenditures. The Act also requires committees that file a Form 410 indicating that the committee qualification threshold has not yet been met to file a Form 410 Amendment within 10 days of meeting the committee qualification threshold to disclose the date the committee qualified.³

Your actions violated the Act because you failed to file Form 462 in connection with the independent expenditures made to oppose Larry Agran, and you failed to timely file a Form 410 Amendment to disclose the committee qualification date. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine for the following reasons: You timely filed 24-Hour Independent Expenditure Reports (Form 496) and the second pre-election campaign statement (Form 460) to disclose the subject independent expenditures; you have since filed the Form 410 Amendment;

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84213; Regulation 18465.1.

³ Section 84103.

you timely filed the post-election semi-annual campaign statement and the semi-annual campaign statement covering the period of January 1, 2023 through June 30, 2023; and, you do not have a history of violating the Act.

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 yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) 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 (10) days from the date of this letter. If you have any questions regarding this letter, please contact Tara Stock at tstock@fppc.ca.gov or (916) 322-8241.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Assistant Chief
Enforcement Division

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