



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

September 28, 2023

Claudia Bill de-la Pena
Claudia Bill de-la Pena for Supervisor 2022
[REDACTED]

Warning Letter Re: FPPC No. 2022-00768: Claudia Bill de-la Pena, Claudia Bill de-la Pena for Supervisor 2022

Dear Claudia Bill de-la Pena:

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 an anonymous complaint against you and your committee Claudia Bill de-la Pena for Supervisor 2022 (the “Committee”), alleging that you failed to include proper disclosures on two text message advertisements. The Enforcement Division found that the disclosures were not in a reasonably contrasting color and were not in a font size that is readable by the average viewer.

The Act requires candidate controlled committees to include the text “Paid for by” followed by the name of the candidate and followed by the name of the elective office sought in text message ads.² Furthermore, the disclosures must be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.³

Upon review, the Enforcement Division determined that you violated the Act because the text message ad disclosures did not sufficiently contrast with the background and the font size was too small for the average viewer. However, mitigating circumstances exist here: you were unsuccessful in the election, your committee has terminated, the ads were properly reported on your campaign statements, the disclosures legibly included “paid for by” but was in the incorrect manner or position, and you have no prior enforcement history.

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84504.7, subd. (b)(2).

³ Section 84504.7, subd. (b)(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. Furthermore, the Enforcement Division expects you to file the appropriate campaign statements as they still require filing.

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.

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Rose". The signature is written in a cursive, flowing style.

Alex J. Rose, Commission Counsel
Enforcement Division