



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

September 21, 2023

Darlene Naslund, President
Fullerton Elementary Teachers PAC



Sent via email: info@mynocut.org

Warning Letter: FPPC No. 2018-01487; Fullerton Elementary Teachers PAC

Dear Fullerton Elementary Teachers PAC

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 a complaint alleging that you violated the Act’s advertisement disclaimer requirements. The Enforcement Division has completed its review of the case and found that you failed to include the proper disclaimer on yard signs distributed prior to the November 6, 2018 General Election. In addition, the Enforcement Division found you failed to timely file two pre-election campaign statements and failed to report \$1,999 in expenditures on one semiannual campaign statement. A streamline stipulation was previously approved for failing to include the proper disclaimer on yard signs and banners distributed prior to the November 6, 2018 General Election. The remaining violations are being resolved with this warning letter, as detailed below.

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring candidates and committees to disclose all contributions received and expenditures made throughout a campaign on timely filed campaign statements and reports.² The Act requires committees to file two pre-election campaign statements at specified times prior to the election, as well as semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.³ The obligation to file semi-annual campaign statements continues until the treasurer terminates the committee.⁴

Additionally, the Act requires committees to report all contributions and expenditures.⁵ The following information about a person who makes, in the aggregate, contributions of \$100 or more must be disclosed: (1) full name; (2) street address; (3) occupation; (4) employer, or if self-employed, the name of the contributor’s business; (5) the date and amount of each contribution received from the contributor during the reporting period; and (6) the cumulative amount of

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² See sections 81002, subd. (a); See Section 84200, *et seq.*

³ Sections 84200.5 and 84200.

⁴ Section 84214; Regulation 18404.

⁵ Section 84211

contributions received from the contributor.⁶ For expenditures of \$100 or more, the committee must disclose: (1) the full name of each person to whom an expenditure is made; (2) the person's street address; (3) the amount of the expenditure; and (4) a brief description of the expenditure.⁷ An expenditure also includes payments made by an agent or independent contractor, commonly referred to as "subvendor payments," of \$500 or more.⁸

Here, the Committee failed to timely file the pre-election statements covering the periods of July 1, 2018 to September 22, 2018⁹ and September 23, 2018 to October 20, 2018 by the specified deadlines. In addition, the Committee failed to timely report expenditures totaling \$1,999 on the campaign statement covering October 21, 2018 to December 31, 2018. The Enforcement Division has determined that mitigating circumstances exist here. The evidence shows the Committee instead of filing two pre-election campaign statements, filed a semiannual statement timely after the election. In addition, the Committee did report the \$1,999 in expenditures, however reported the expenditures on Schedule E, instead of Schedule D. Also, the Committee raised and spent a low amount regarding the election and has no prior Enforcement history violating these sections of 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.¹⁰ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹¹ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected after contact and when the committee raised and spent less than \$10,000.¹² This resolution may not be used as a comparable case for other enforcement matters.¹³

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.

Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to file all outstanding campaign statements and pay any late filing fees assessed by the filing officer. Please contact the Committee's filing officer for further information about required filings. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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

⁶ Section 84211, subd. (f).

⁷ Section 84211, subd. (k).

⁸ Sections 84211, subd. (k)(6), and 84303, subd. (a).

⁹ The statute of limitations for this violation will expire on September 27, 2023.

¹⁰ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹¹ Regulations 18360.1 and 18360.3.

¹² Regulation 18360.2.

¹³ See Regulation 18361.5, subdivision (e)(3).

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 this 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.

If you have any questions regarding this letter, please contact me at (916) 322-5772 or MCorona@fppc.ca.gov

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division