



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

September 25, 2023

Santa Monicans for Renters' Rights
Patricia Hoffman
c/o Richard Rios
Olson Remcho, LLP
Via email: RRios@olsonremcho.com

Warning Letter Re: FPPC No. 2018-01232; Santa Monicans for Renters Rights

Dear Richard Rios:

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 your client, Santa Monicans for Renters' Rights (the "Committee") failed to register as a Slate Mailer Organization ("SMO") and failed to include the proper disclaimer on a mass mailing disseminated prior to the November 6, 2018 General Election.

The Enforcement Division has completed its investigation of the facts in this case. Specifically, we found that the Committee did not qualify as a SMO when it sent a mass mailing supporting and opposing several candidates and ballot measures. The mailer stated, "Paid for by Santa Monicans for Renters' Rights" and included the Committee's address. The mass mailing, however, did qualify as a slate mailer, and it was an independent expenditure of the Committee.

A slate mailer is a mass mailing (over two hundred substantially similar pieces of mail²) that supports or opposes a total of four or more candidates or ballot measures.³ If the sender of the mass mailing is a committee, the name, street address, and city of the committee must be included on each piece of mail.⁴ Furthermore, the Act requires the disclosure above to be preceded by the words "Paid for by."⁵ An advertisement, including a mass mailing, supporting or opposing a candidate paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate."⁶

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 82041.5.

³ Section 82048.3.

⁴ Section 84305.

⁵ Regulation 18435, subd. (c).

⁶ Section 84506.5.

The Committee violated the Act by failing to include the required “not authorized by” statement on a mass mailing that supported and opposed certain candidates and measures. However, mitigating circumstances exist here. The mass mailing included other required disclaimers, such as “paid for by” with the Committee’s name and address, so there was no confusion as to who sent the mass mailing. The Committee also reported the independent expenditures for each candidate and measure on timely filed campaign statements, indicating no intent to conceal the source of the expenditures. It was also clear that the pertinent candidates did not send the subject mass mailing. Additionally, the Committee has no 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.⁷ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁸ This resolution may not be used as a comparable case for other enforcement matters.⁹

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.

Please feel free to contact Angela Brereton at 916-322-5771 or abrereton@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton
Assistant Chief
Enforcement Division

⁷ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁸ Regulations 18360.1 and 18360.3.

⁹ See Regulation 18361.5, subdivision (e)(3).