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

September 26, 2023

Blanca Brown
[redacted]

Warning Letter: FPPC No. 2018-01558; Blanca Brown

Dear Blanca Brown,

The Enforcement Division of the Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act").[1] This letter is in response to two sworn complaints filed against you which allege violations of the Act related to a mailer you sent supporting three Lemon Grove School District board member candidates up for re-election in the November 6, 2018 General Election ("the mailer"), and the complaint alleges the mailer supporting the three candidates created a conflict of interest due to your position as Lemon Grove School District Board President.

The Enforcement Division has completed its review of the facts of this case. We've determined that you failed to include the following disclaimer "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office" on the mailer and failed to timely file one independent expenditure committee campaign statement, failed to timely file three 24-hour independent expenditure reports and three verification of independent expenditure reports. Additionally, the investigation determined the mailer was not a conflict of interest under the Act; therefore, that allegation was disproven.

The Act provides that a person becomes an independent expenditure committee when a person makes independent expenditures totaling one thousand dollars or more in a calendar year.[2] If the independent expenditure is made within the first six months of the calendar year an independent expenditure campaign statement, a Form 461, must be filed covering January 1 to June 30 by July 31 of the applicable calendar year.[3] The Act requires a committee that makes a late independent expenditure to report it on a Form 496 within 24 hours of the time it is made[4], and requires committees to timely file a verification of independent expenditures on a Form 462 when it makes independent expenditures in support of candidates.

Finally, the Act also provides that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include the following statement "This advertisement was

---

[1] The Political Reform Act is contained in Government Code Sections 81000 through 91014.
[2] Gov. Code Sec. 82013, subd. (b).
[3] Gov. Code Sec 84200, subd. (b).
[4] Gov. Code Sec 84202.

not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."[5] An independent expenditure is an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or, taken as a whole and in context, unambiguously urges a particular result in an election by which is not made to or at the behest of the affected candidate or committee.[6]

Under the Act, you became an independent expenditure committee when you spent more than $1,000 on a mailer expressly advocating for the election of three clearly identified candidates. You violated the Act's disclosure requirements when you sent the mailer, an independent expenditure advertisement supporting Larry Loschen, Katie Dexter and Timothy Shaw in advance of the November 6, 2018 General Election which failed to include the following disclaimer "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office." Additionally, the Enforcement Division found you failed to timely file one Form 461, failed to timely file three Form 496's and three Form 462's by their respective due dates. The Enforcement Division has determined that mitigating circumstances are present here. The only independent expenditure made was regarding the mailer. The mailer included a disclaimer reading "Funding by Blanca Brown. Not authorized by candidates," Therefore there was no confusion regarding who paid for the advertisement and the public harm was minimal. Additionally, you spent a low amount regarding the election, have a low level of experience with independent expenditure committees, and have no prior Enforcement history. 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. Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to 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.

---

[5] Gov. Code Sec 84506.5.
[6] Gov. Code Sec 82031.
[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, subd. (e)(3).

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 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 ten (10) days from the date of this letter.

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

Cc: Complainant, Liana Lebaron [redacted]
Complainant Yadira Altamirano [redacted]