



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

October 11, 2023

Santa Monica Democratic Club
Derek Devermont
[REDACTED]

Warning Letter Re: FPPC No. 2018-01471; Santa Monica Democratic Club and Derek Devermont

Dear Derek Devermont and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter results from a proactive investigation against Santa Monica Democratic Club (the “Committee”) regarding its failure to timely file a pre-election campaign statement in connection with the November 6, 2018 General Election. The Enforcement Division has completed its review of the facts in this case and found that the Committee also failed to accurately report contributions received and failed to include the proper advertising disclosures on a mass mailing distributed prior to the election.

The Act requires a general purpose committee to file pre-election campaign statements if it makes contributions or independent expenditures totaling \$500 or more in connection with a statewide primary or general election, for the period ending 45 days before the election no later than 40 days before the election, and for the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election.² Each campaign statement shall contain the total amount of contributions received and expenditures made during the period covered by the campaign statement as well as the total cumulative amount of contributions received and expenditures made.³

The Act defines a slate mailer as a mass mailing which supports or opposes a total of four or more candidates or ballot measures,⁴ and a mass mailing as over two hundred substantially similar pieces of mail, that do not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.⁵ Finally, the Act requires that any advertisement paid for by a committee shall include the words “Paid for by” followed by the committee’s name.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 Sections 84200.5 and 84200.8.

³ Section 84211, subd. (a) and (b).

⁴ Section 82048.3.

⁵ Section 82041.5.

⁶ Section 84502.

The Committee violated the Act by failing to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through October 20, 2018, by the October 25, 2018 deadline; by over-reporting contributions that were received through ACTBlue; and by failing to include the required “paid for by” disclaimer in a mass mailing sent on October 13, 2018 and October 29, 2018. However, mitigating circumstances exist here. The Committee timely filed a semi-annual campaign statement for a reporting period which overlapped the reporting period of the missed pre-election campaign statement, therefore the expenditures for the mailers and other activity were reported. The Committee’s name and address were present on the mailer, so it was clear who sent it, resulting in minimal harm to the public. And the Committee does not have a recent 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).