



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

September 28, 2023

Santa Paula Police Officers Association
c/o Daniel McCarthy
PO Box 190
Santa Paula CA 93061
Email: dmccarthy@spcity.org

Warning Letter Re: FPPC No. 19/1314, Santa Paula Police Officers Association

Dear Daniel McCarthy:

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 filed against you, which alleged that the Santa Paula Police Officers Association (“SPPOA”) failed to timely file an independent expenditure committee campaign statement. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that SPPOA qualified as an independent expenditure committee after paying for an advertisement and failed to timely file a campaign statement disclosing the activity. Additionally, we determined that SPPOA failed to include the proper disclosure language in its advertisement.

The Act defines “committee” to include any organization that makes independent expenditures totaling \$1,000 or more in a calendar year, commonly referred to as an “independent expenditure committee.”² Under the Act, “independent expenditure” includes an expenditure made by an organization in connection with a communication which expressly advocates the election of a clearly identified candidate(s).³ The Act defines “advertisement” as any communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).⁴

The Act requires independent expenditure committees to include a disclosure on each of its advertisements. A newspaper advertisement that is paid for by an independent expenditure

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 82013, subd. (b), and 82047.

³ Section 82031.

⁴ Section 84501, subd. (a)(1).

committee must contain the disclosures required by Sections 84502 and 84506.5. Section 84502 requires an advertisement that is paid for by an independent expenditure committee to include the words “Ad paid for by” followed by the name that the filer is required to use on campaign statements. Section 84506.5 requires an advertisement supporting or opposing a candidate that is paid for by an independent expenditure to include a statement that it was not authorized by a candidate or a committee controlled by a candidate.

SPPOA, as an independent expenditure committee, violated the Act by failing to timely file an independent expenditure committee campaign statement by the January 31, 2019 deadline. Additionally, SPPOA violated the Act by failing to include the following disclaimer: “This advertisement was not authorized or paid for by a candidate or committee controlled by a candidate for this office.” On September 21, 2023, SPPOA’s streamline stipulation was approved for one count for failing to include the proper advertising disclaimer. The remaining violation is being resolved with this warning letter because the cost of the advertisement was minimal, SPPOA promptly filed the missing campaign statement after receiving contact from the Enforcement Division, and SPPOA does not have a 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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ 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 upon contact and the committee spent less than \$10,000.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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.

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ Regulation 18360.2.

⁸ See Regulation 18361.5, subdivision (e)(3).

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

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me at 916-738-6411 or jrivera@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera,
Commission Counsel
Enforcement Division