



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 14, 2022

Helen Myers, Treasurer
o/b/o Committee for a Better Buena Park



Warning Letter Re: FPPC No. 2018-01264; Committee for a Better Buena Park and Helen Myers

Dear Committee and Helen Myers,

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 a lawn sign advertisement opposing Sunny Park for City Council 2018 the Act’s advertisement disclosure provisions.

The Enforcement Division has completed its investigation and review of the case. Specifically, we found Committee for a Better Buena Park (“the Committee”) was responsible for the lawn sign advertisement opposing Sunny Park. The Enforcement Division determined the Committee did not violate the Act’s advertisement disclosure provisions because the lawn sign advertisement at issue was produced prior to the Committee qualifying as a committee under the Act. However, the Enforcement Division determined the Committee was primarily formed to oppose Sunny Park in the November 6, 2018 General Election and failed to timely file as a primarily formed committee with regard to the identification and naming requirements that apply to primarily formed committees.

Under the Act, “primarily formed committee” includes a recipient committee which is formed or exists primarily to support or oppose a single candidate.² A recipient committee is considered to be “formed or existing primarily to support or oppose” a candidate or measure if the committee’s primary purpose and activities are to support or oppose candidates or measures, or if the committee makes more than 70% of its total contributions and expenditures on all candidates and measures on those specific candidates or measures during the relevant time period.³

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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 82047.5, subd (a).

³ Regulation 18247.5, subd. (c)(3).

The name of a non-candidate controlled committee primarily formed to support or oppose one or more candidates must include the last name of each candidate whom the committee supports or opposes as listed on its statement of organization, the office sought, year of the election, and whether the committee supports or opposes the candidate.⁴

The Committee violated the Act by failing to properly name the committee to include the last name of the candidate, the office sought, year of the election and whether the committee supports or opposes the candidate.

The Enforcement Division has decided to close this case with a warning letter rather than a fine for the following reasons: the Committee timely filed pre-election campaign statements, the Committee raised and spent a very low amount, the Committee was unsuccessful in opposing the candidate, the respondents were inexperienced with the requirements of the Act, the Committee is now terminated, and the Committee does not have prior Enforcement history.

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 the 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 916-322-5772 or mnash@fppc.ca.gov with any questions you may have regarding this letter.

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⁴ Regulation 18402, subd. (c)(3).

Sincerely,

Marissa Nash

Marissa Nash
Commission Counsel
Enforcement Division

cc: Sunny Park, info@sunnyparkforbuenapark.com