



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

March 29, 2023

Take Back Livermore
Stacy Owens, Committee Treasurer
c/o Peter Bagatelos
Via email: pablawyer@aol.com

Warning Letter re: FPPC No. 2023-00017; Take Back Livermore

Dear Ms. Owens:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a sworn complaint alleging that you violated the campaign disclosure provisions of the Act. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file nine Late Independent Expenditure Reports (Form 496s) in connection with communications distributed by the committee to support candidates for City Council. Additionally, you failed to timely file a Form 410 (Statement of Organization) amendment to disclose the date the committee qualified.

The Act requires a committee that makes an independent expenditure(s) of \$1,000 or more to support or oppose a candidate within 90 days of the candidate’s election to file a Form 496 within 24 hours of the time it is made.² The Act also requires candidates who filed a Form 410 indicating that the committee qualification threshold was not yet met to file a Form 410 amendment within 10 days of meeting the committee qualification threshold to disclose the date the committee qualified.³

Your actions violated the Act because you failed to file nine Form 496s within 24 hours of making the independent expenditures to support three City Council candidates on the November 8, 2022 ballot. You also failed to timely file a Form 410 amendment. However, the Enforcement Division has decided to close this case with a warning letter because you filed the required campaign statements on October 11, 2022, before the election and immediately after you were contacted by the Enforcement Division, and the expenditures that triggered the Form 496s were timely disclosed on a pre-election Form 460. Additionally, you explained that the statements were late because a vendor paid the costs for the communications with the expectation of reimbursement, rather than the committee making direct expenditures from its own bank account, and you filed the campaign statements as soon as you became aware of the expenditures. Finally, the Committee does not have a prior history of violating this section of the Act.

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 Sections 82036.5 and 84204.

³ Section 84103.

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.

If you have any questions regarding this letter, please contact Amber Rodriguez at arodriguez@fppc.ca.gov or (916) 322-1198.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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