



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

March 29, 2023

Anne Walent
Wayne Walent
Siskiyou Alternative Medicine Opposing Measures T & U Committee
P.O. Box 584
Yreka, California 96097



Warning Letter re: FPPC No. 16/440; In the Matter of Siskiyou Alternative Medicine Opposing Measures T & U Committee, Anne Walent, and Wayne Walent

Dear Wayne and Anne Walent and Siskiyou Alternative Medicine Opposing Measures T & U Committee:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act¹ (the “Act”). We had received a complaint that you and Siskiyou Alternative Medicine Opposing Measures T & U (the “Committee”) may have violated various provisions of the Act relating to campaign filings, campaign reporting, prohibited cash transactions and disclosures related to political advertisements. Those allegations were investigated, and a finding of probable cause to commence an accusation against you was issued. After careful consideration of various mitigating and aggravating factors, we have determined that it is appropriate currently to issue you a warning letter for the alleged violations and not pursue an administrative enforcement action. This letter outlines the terms of the warning being issued to you and the Committee.

The Act requires a committee², and its principal officer(s)³ to follow certain regulations set forth in the Act. Recipient committees are those that receive at least \$2,000 or more in contributions during a calendar year, and primarily formed committees are created to support or oppose two or more ballot measures being voted upon in the same election. A principal officer means the individual or individuals responsible for approving the political activities of the committee, including, but not limited to, the content of the communications made by the committee, authorizing the expenditures made by the committee, campaign reporting, and the overall political strategy of the committee. A committee and its principal officer(s) must timely file a statement of organization within 10 days of

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 82013, subdivision (a) and Section 82047.5, subdivision (d).

³ Section 82047.6

becoming qualified⁴ and disclose its proper date of qualification at that time⁵. Additionally, the committee must timely file required pre-election campaign statements. For the period ending 45 days before the date of the election, the statement must be filed no later than 40 days before the date of the election, and for the period ending 17 days before the date of the election, the statement must be filed no later than 12 days before the date of the election⁶. Furthermore, if a contribution of \$1,000 or more is received within 90 days of the date of the election, then that contribution must be reported within 24-hours of it being received⁷. The Act further requires a committee to timely and properly report contributions received and expenditures made in campaign statements⁸ and to maintain detailed campaign records, bills, invoices, and other documents required to properly report those contributions received and expenditures made⁹. Further, no campaign expenditure of \$100 or more may be made in cash¹⁰. Finally, on any political advertisement supporting or opposing a ballot measure, the committee shall print or broadcast its name as part of the advertisement, ensure that the disclosures are clear and conspicuous and for video advertisements, the disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the disclosure statement is written for at least 5 seconds of a broadcast of 30 seconds or less, a spoken disclosure is not required¹¹.

The finding of probable cause issued against you and the Committee on May 24, 2022, outlined the twelve (12) violations of the Act which the probable cause hearing officer determined there was sufficient probable cause of a violation and to proceed with the issuance of an accusation. Those findings involved campaign filing, campaign reporting, campaign recordkeeping, prohibited cash transactions, and advertisement disclosure violations. The twelve (12) violations from the Act in which a finding of probable cause was found were:

1) Failure to timely file a Statement of Organization; 2) failure to disclose a date of qualification; 3) failure to timely file a pre-election statement; 4) failure to timely file a second pre-election statement; 5) failure to timely file a 24-Hour Contribution Report; 6) failure to report contributions and expenditures; 7) failure to maintain detailed campaign records; 8) prohibited cash transactions of \$100 or more; and, 9) failure to include proper disclosures on a flyer advertisement; 10) television advertisement; 11) newspaper advertisement; and 12) yard signs.

However, there are several mitigating factors present in this case. You and the Committee made efforts to timely file required campaign statements, including filing the late-filed statement of organization (including the required date of qualification), and the two pre-election statements, when contacted by the Enforcement Division and before the date of the election. Although you and the Committee failed to timely file a 24-hour Contribution Report, the late contribution was reported on the Committee's campaign statement filed before the election, thereby allowing the public to view that important information. Furthermore, although you and the Committee failed to include the required disclosure statement on each of your campaign advertisements, the

⁴ Section 84101.

⁵ Section 84101, subdivision (a) and Regulation 18410, subdivision (a)(1).

⁶ Section 84200.5, subdivision (a), and 84200.8.

⁷ Section 84203, subdivision (b).

⁸ Section 84211, subdivisions (a)-(b).

⁹ Section 84104 and Regulation 18401, subdivision (a).

¹⁰ Section 84300, subdivision (b).

¹¹ Section 84504, subdivision (c) and Regulation 18450.4, subdivision (b).

Committee's Secretary of State ID number was included, and so the public had the ability to research who was responsible for producing the advertisements. Also, prior to the June 7, 2016 Primary Election, you and the Committee authorized the Commission to publish a press release stating the Committee was responsible for producing the yard signs in question that did not contain a complete and accurate disclosure statement as discussed above. Additionally, the Committee had a small amount of campaign activity (under \$25,000 in contributions and expenditures), it was unsuccessful in its ballot measure campaign as the measures were passed by the voters, you claimed to have been unable to open a proper campaign bank account due to the activity being related to a cannabis measure (and various regulations by banks being in place), some cash expenditures were due to ballot measure campaign activity being related to a cannabis measure and institutions not accepting other forms of payment, and the Committee properly terminated in 2016. Finally, you and the Committee have no prior Enforcement history with the Commission and were first time principal officers and treasurers of the Committee.

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.¹² Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹³ 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 had a small amount of activity.¹⁴ This resolution may not be used as a comparable case for other enforcement matters.¹⁵

This letter serves as a written warning. However, 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 may result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC Enforcement Division case resolution mechanism 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 hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of administrative proceedings by requesting that your case proceed with prosecution rather than this warning, please notify us within ten (10) days of the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. Specifically, the next step in your matter would be the issuance of a public accusation since a finding of probable cause was already made. 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.

¹² <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹³ Regulations 18360.1 and 18360.3.

¹⁴ Regulation 18360.2.

¹⁵ See Regulation 18361.5, subdivision (e)(3).

If you have any questions regarding this letter, please contact me at 916-322-7771 or aberjikly@fppc.ca.gov.

Sincerely,

Artin Berjikly

Artin Berjikly, Senior Commission Counsel
Enforcement Division