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

April 28, 2023

Maria Grijalva
[redacted]

Warning Letter Re: FPPC No. 2019-00469; Maria Grijalva

Dear Maria Grijalva:

The Enforcement Division of the Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act").[1] This letter is in response to a referral from the Office of the Yolo County District Attorney alleging that a billboard advertisement you paid for did not include the correct disclosure.

The Enforcement Division has completed its investigation and determined that you qualified as an independent expenditure committee on February 20, 2018 and qualified as a major donor committee on May 2, 2018. The investigation determined that you failed to timely file 24-hour reports, failed to timely notify a candidate controlled committee of non-monetary contributions you made to support the committee, and failed to include the proper disclosure on a billboard advertisement.

A person that makes independent expenditures of $1,000 or more in a calendar year qualifies as an independent expenditure committee.[2] A person that makes contributions of $10,000 or more in a calendar year qualifies as a major donor committee.[3] In addition to filing semi-annual campaign statements, as required under Section 84200, subdivision (b), an independent expenditure committee or major donor committee must also file 24-hour reports within 24 hours after making a late independent expenditure or a late contribution.[4] You violated the Act by failing to timely file 24-hour independent expenditure reports and 24-hour contribution reports prior to the June 5, 2018 Primary Election.

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[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, subd. (b).

[3] Section 82013, subd. (c).

[4] Sections 84203 and 84204; "Late contribution" includes a monetary of non-monetary contribution that totals in the aggregate $1,000 or more and is received by a candidate or controlled committee during the 90-day period preceding the date of the election at which the candidate is to be voted on (Section 82036); "Late independent expenditure" includes an independent expenditure that totals in the aggregate $1,000 or more and is made for a specific candidate involved in an election during the 90-day period preceding the date of the election (Section 82036.5).

The Act requires for a committee that makes a late contribution that is a non-monetary contribution to notify the recipient in writing of the value of the non-monetary contribution within 24 hours of the time the contribution is made.[5] You violated the Act by failing to timely notify the candidate controlled committee, in which you made non-monetary contributions to support, of the value of the non-monetary contributions you made.

The Act provides that a print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee, shall include the words "Paid for by" followed by the name of the committee.[6] Further, the Act requires for the disclosure on a printed advertisement that is larger than those designed to be individually distributed shall be in Arial equivalent type with a total height of at least 5% of the height of the advertisement and printed on a solid background with sufficient contrast that is easily readable by the average viewer.[7] You violated the Act by paying for a billboard advertisement that failed to include the correct disclosure, "Paid for by Maria Grijalva," and failed to make the disclosure the correct size and easily readable.[8]

The Enforcement Division has determined that mitigating circumstances exist here. First, while you failed to timely file 24-hour reports, nearly half of the late independent expenditures or late contributions you made were disclosed prior to the relevant election on a campaign statement and certain late contributions were disclosed by the recipient on timely filed 24-hour contribution reports. Second, while you failed to timely notify the recipient of the non-monetary contributions you made to support, this was your first time qualifying as an independent expenditure committee or major donor committee and you timely disclosed the non-monetary contributions you made on a timely filed semi-annual campaign statement. Third, while you failed to include the correct disclosure in the correct size and easily readable, the non-monetary contribution was timely disclosed on your campaign statement and the disclosure that you included was the candidate controlled committee in which you coordinated with in producing the advertisement. Furthermore, the violations at issue here caused minimal public harm, you had a low level of campaign experience, the campaign activity was reported correctly and timely, you do not have a prior history for the same violations, the candidate you supported was unsuccessful, you cooperated with the Enforcement Division's investigation, and there was no evidence of an intent to conceal the violations. 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.[9] Discretion was used based upon mitigating or

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[5] Section 84203.3, subd (a).
[6] Sections 84504.2, subd. (a) and 84502.
[7] Section 84504.2, subd. (b).
[8] The statute of limitations for this violation will expire on May 2, 2023.
[9] https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf

aggravating circumstances and the totality of the circumstances.[10] This resolution may not be used as a comparable case for other enforcement matters.[11]

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten 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 days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please visit our website at www.fppc.ca.gov. Please feel free to contact me at JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Office of the Yolo County District Attorney

[10] Regulations 18360.1 and 18360.3.
[11] See Regulation 18361.5, subdivision (e)(3).