



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

May 12, 2023

Ben Eilenberg, Principal Officer
Shawnda Deane, Treasurer
Kern Citizens for Good Jobs and Safe Communities, Yes on Measure K
[REDACTED]

Warning Letter (FPPC Case No. 2019-00473) re: Kern Citizens for Good Jobs and Safe Communities, Yes on Measure K; Ben Eilenberg; Shawnda Deane

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ This case arises from an anonymous complaint alleging violations of the Act's advertisement disclaimer rules. As discussed below, this case is being closed with a warning letter.

The Act defines a "committee" to include any person receiving contributions totaling \$2,000 or more in a calendar year.² This type of committee commonly is referred to as a "recipient committee." Generally, within 10 days after qualifying as a "recipient committee," the committee must file a Form 410 statement of organization.³

A "primarily formed committee" includes any recipient committee that is formed or exists primarily to support or oppose a single candidate or ballot measure—or a group of specific candidates or a group of measures being voted upon in the same city, county, or multicounty election. If a committee does not meet these criteria, then the committee is a "general purpose committee."⁴

As defined in the Act, there are multiple ways that a person or committee may become a "sponsor" of another committee. For example, if a committee receives 80% or more of its funding from another entity, then it is sponsored by that entity. The name of a committee must include the name of its sponsor—and the statement of organization must include the name, street address, and telephone number of the sponsor.⁵

In this case, Kern Citizens for Good Jobs and Safe Communities, Yes on Measure K (the Committee) received and accepted contributions totaling \$60,000 from Industrial Partners Group. In total, the Committee received \$62,500. Since the Committee received 80% or more of its funding from Industrial Partners Group, Industrial Partners Group should have been included in the

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18110 through 18998. Unless otherwise noted, all statutory references are to the Government Code, and all regulatory references are to Title 2, Division 6 of the California Code of Regulations—as they were in effect during calendar year 2018 (at the time of the violations in this case).

² Section 82013, subdivision (a).

³ Section 84101, subdivision (a).

⁴ See Sections 82027.5 and 82047.5.

⁵ See Sections 82048.7; 84102, subdivisions (a) and (b); and 84106.

Committee's name and on a statement of organization as the Committee's sponsor. Thus, the Committee, Eilenberg and Deane violated the Act by failing to include a sponsor in the name of the Committee, and failing to disclose the sponsor on the Committee's statement of organization.

The Enforcement Division has found that there are mitigating factors here. Our investigation did not obtain any evidence that the Committee paid for advertisements as defined in the Act. Additionally, the Committee included the ballot measure it supported in its name and disclosed it on a statement of organization. Further, all contributions from the sponsor were reported on timely filed campaign statements. Lastly, the ballot measure supported by the Committee failed to pass, the Committee is terminated, and you do not have a history of prior, similar violations of 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 require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.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. 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 guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Should you have any questions regarding this letter, please feel free to contact me at (916) 322-5771 or abreron@fppc.ca.gov.

Sincerely,

Angela J. Brereton

Angela J. Brereton
Assistant Chief, Enforcement Division

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1.

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