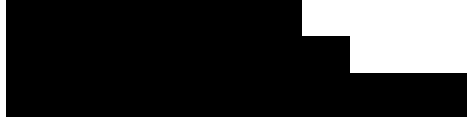




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

June 12, 2023

Alhambra United to Preserve our Neighborhoods by Electing Dr. Laura Tellez-Gagliano and
Suzi Dunkle-Soto to the Alhambra City Council 2018
Denis Kerechuk



**Warning Letter Re: FPPC No. 2018-01282; Alhambra United to Preserve our
Neighborhoods by Electing Dr. Laura Tellez-Gagliano and Suzi Dunkle-Soto to the
Alhambra City Council 2018, Denis Kerechuk**

Dear Committee and Denis Kerechuk:

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 sworn complaint alleging that you failed to include the proper disclosures on campaign advertisements. Specifically, the complaint alleged that the Committee sent out at least two mailer advertisements that failed to include the disclaimer that the advertisements were “not authorized” by a candidate or candidate-controlled committee.

The Enforcement Division has completed its investigation of the facts in this case. Specifically, the Enforcement Division found that the Committee sent out five mailer advertisements that failed to include the disclaimer that the advertisements were “not authorized” by a candidate or candidate-controlled committee, paid for two handheld spinning signs that failed to include proper advertisement disclaimers, and failed to properly attribute a campaign expenditure to the appropriate payee.

Under the Act, an advertisement supporting or opposing candidates for elective office from a recipient committee must include the words “Paid for by” followed by the name of the committee.² The Act also provides that an advertisement supporting or opposing candidates that is paid for by an independent expenditure must include the following statement: “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”³ Additionally, the Act requires primarily formed

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 84501 subd. (a), and 84502 [2018].

³ Section 84506.5 [2018].

recipient committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees.⁴

You violated the Act by failing to include on mailer advertisements the disclaimer that the advertisements were “not authorized” by a candidate or candidate-controlled committee, failing to include proper advertisement disclaimers on two handheld spinning signs, and failing to properly attribute a campaign expenditure of \$1,057.10 to the appropriate payee.

The Enforcement Division has determined that mitigating circumstances exist here. The evidence obtained shows that the Committee was exclusively active during the November 2018 election; the Committee supported two non-incumbent city council candidates who both lost the election; the Committee name was correct on the Form 410; most of the advertisements the Committee disseminated included the “Paid for by” and Committee name disclaimers; the Committee filed campaign statements and 24-hour reports before the election disclosing the advertisement activity; all campaign statements and reports have been filed; the expenditure that was mis-attributed was otherwise disclosed on the appropriate campaign statements; the Committee voluntarily terminated in 2020; and you have no prior history of violating 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 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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ 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.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 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

⁴ Section 84200, *et seq.*

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ Regulation 18360.2.

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

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 abreron@fppc.ca.gov or (916) 322-5771 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Angela J Breron

Angela J. Breron,
Assistant Chief, Enforcement Division