



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

June 15, 2023

United Neighborhoods of Orange  
c/o Stephanie Lesinski  
[REDACTED]

**Warning Letter Re: FPPC No. 2022-00732; United Neighborhoods of Orange**

Dear Stephanie Lesinski:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to complaints alleging United Neighborhoods of Orange (“UNO”) produced advertisements without a disclosure and failed to timely file campaign statements. The Enforcement Division has completed its investigation and determined UNO qualified as an independent expenditure committee after paying for an advertisement and timely filed a campaign statement to disclose the activity. However, we determined that UNO failed to include a disclosure in its advertisement. Furthermore, since the advertisement was also posted to UNO’s website and Facebook page, we determined that both the website and Facebook page also required a disclosure.

The Act defines “committee” to include any organization that makes independent expenditures totaling \$1,000 or more in a calendar year, commonly referred to as an “independent expenditure committee.”<sup>2</sup> Under the Act, “independent expenditure” includes an expenditure made by an organization in connection with a communication which expressly advocates the election of a clearly identified candidate(s).<sup>3</sup> The Act defines “advertisement” as any communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).<sup>4</sup>

The Act requires independent expenditure committees to include a disclosure on each of its advertisements. An electronic media advertisement that is a graphic or image that the online platform hosting the advertisement allows to link to an internet website paid for by a committee must include the text “Who funded this ad?,” “Paid for by,” or “Ad Paid for by” followed by the name of the committee and the text must be included or displayed as a hyperlink to an internet

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<sup>1</sup> 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.

<sup>2</sup> Sections 82013, subd. (b), and 82047.

<sup>3</sup> Section 82031.

<sup>4</sup> Section 84501, subd. (a)(1).

website containing the disclosures required by Sections 84502 and 84506.5.<sup>5</sup> Section 84502 requires the disclosure on an internet website to include the words “Paid for by” followed by the name of the committee.<sup>6</sup> Section 84506.5 requires an advertisement supporting or opposing a candidate that is paid for by an independent expenditure committee to include a statement that it was not authorized by a candidate or a committee controlled by a candidate.

When an advertisement is posted on a committee’s Facebook page, the Facebook page must include the disclosures required by Sections 84502 and 84506.5 in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee’s profile, landing page, or similar location and is not required to include the disclosure on each individual post.<sup>7</sup>

UNO, as an independent expenditure committee, violated the Act by failing to include the “Paid for by” text and the “not authorized” language on an electronic media advertisement produced by UNO. Additionally, UNO violated the Act by failing to include the required disclosures on its website and Facebook page. However, there are several mitigating factors present in this case. It was clear UNO produced the advertisement, the advertisement included a hyperlink to UNO’s website, the cost of the advertisement was minimal, UNO filed a campaign statement prior to the relevant election and disclosed the payment for the advertisement, and UNO does not have a 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.<sup>8</sup> Here, discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.<sup>9</sup> 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.<sup>10</sup> Further, discretion was used because the committee spent less than \$10,000.<sup>11</sup> This resolution may not be used as a comparable case for other enforcement matters.<sup>12</sup>

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

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<sup>5</sup> Section 84504.3, subd. (b).

<sup>6</sup> Section 84502, subd. (b)-(c).

<sup>7</sup> Section 84504.3, subd. (h)(1).

<sup>8</sup> <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

<sup>9</sup> Regulation 18360.1.

<sup>10</sup> Regulation 18360.2.

<sup>11</sup> *Id.*

<sup>12</sup> See Regulation 18361.5, subd. (e)(3).

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](http://www.fppc.ca.gov). Please feel free to contact me at [JRinehart@fppc.ca.gov](mailto: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