



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

June 15, 2023

Brayden Haena for Brentwood City Council – District 2 2022

Brayden Haena

Daniela Constantino, Treasurer



Warning Letter Re: FPPC No. 2023-00176; Brayden Haena for Brentwood City Council – District 2 2022; Haena; Constantino

Dear Brayden Haena, Daniela Constantino, and Committee,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to an anonymous complaint alleging that you failed to disclose expenditures made in connection with advertisements to support the candidate in the November 8, 2022 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to deposit the candidate’s personal funds into the campaign bank account prior to making expenditures related to campaign activity. Additionally, we found that you failed to timely disclose the expenditures made from the candidate’s personal funds and failed to timely file a 24-Hour Contribution Report.

The Act requires that personal funds of the candidate which will be used to promote the election of the candidate, other than payments for a filing fee or statement of qualifications, must be deposited into the campaign bank account prior to expenditure.² Additionally, the Act requires committees to file campaign statements at specified times to disclose the committee’s activity during the reporting period covered by the statement. All contributions received, expenditures made, and expenses accrued during the reporting period must be disclosed on the applicable campaign statement.³

The Act also requires candidate-controlled committees that receive a contribution(s) totaling \$1,000 or more from a single source within 90 days before the election or on the date of the

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 85201, subsections (d) and (f).

³ Section 84211.

election, including the candidate's personal funds, to file a 24-Hour Contribution Report within 24 hours of receiving the contribution.⁴

Your actions violated the Act because the candidate made expenditures from personal funds totaling \$2,390 that were not first deposited into the campaign bank account, you failed to timely disclose expenditures totaling \$1,640 made from the candidate's personal funds, and you failed to timely file a 24-Hour Contribution Report within 24 hours of receiving a contribution(s) totaling \$1,000 or more from the candidate's personal funds. A streamline stipulation was approved for failing to deposit personal funds from the candidate into the campaign bank account. The violations for failing to timely disclose expenditures made from the candidate's personal funds and failing to timely file a 24-Hour Contribution Report are being resolved with a warning letter rather than a fine for the following reasons: an amendment was filed to the first pre-election statement well before the election to disclose the expenditures made from the candidate's personal funds, the 24-Hour Contribution Report was also filed well before the election, and you have no prior Enforcement history.

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.

Please feel free to contact Tara Stock at tstock@fppc.ca.gov or (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief

⁴Sections 82036 and 84203.

Enforcement Division

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