



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

December 12, 2023

Letty Lopez-Viado

Bill McIntyre

Diane McIntyre

o/b/o Letty Lopez-Viado; WLM-CB, LLC; WLM-CW; WLM-CCC, LLC; 309-BB, LLC; WLM-CHR, LLC

Via email: aglasman@agclawfirm.com

Advisory Letter Re: FPPC No. 2021-00822: Letty Lopez-Viado; WLM-CB, LLC; WLM-CW; WLM-CCC, LLC; 309-BB, LLC; WLM-CHR, LLC

Dear Letty Lopez-Viado, Bill McIntyre, and Diane McIntyre:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ The Enforcement Division discovered possible campaign contribution laundering violations committed by you. After review, the Enforcement Division has decided to close its file on this matter with an advisory letter. The basis for this decision follows.

The Enforcement Division discovered that the Letty Lopez for City Council District 2 Committee (the “Committee”) accepted contributions in excess of the \$500 campaign contribution limitation set forth in West Covina Municipal Code Section 2-402. Specifically, the Committee accepted five contributions of \$500, totaling \$2,500, on December 26, 2018 from WLM-CB, LLC; WLM-CW; WLM-CCC, LLC; 309-BB, LLC; WLM-CHR, LLC. The alleged violations of the Act include a failure to ‘aggregate’ contributions received from multiple contributors with the same address on the same day, in violation of local contribution limits, and failure to disclose the total contributions received by those contributors as an aggregated entity.

As to the reporting requirements, the Act requires the contributions of a person be added together when the cumulative amount of contributions (including loans) received from a person is \$100 or more and a contribution or loan has been received from that person during the period covered by the campaign statement (Section 84211(f)(6)). Importantly, Section

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

84211(f)(6) does not give an indication as to which donor's contributions need to be added, only that each donor's contributions be cumulated when certain requirements are met. Alone, it does not create an obligation to add certain donor's contributions without the support of corresponding local aggregation rules.

Section 85311 of the Act defines when to aggregate the contributions to state candidates. Contributions are to be aggregated if each entity's contributions are directed and controlled by the same person(s), unless the entities act independently in their decision to make the contributions. (*In re Lumsdon* (1976) FPPC Ops. 140; *In re Kahn* (1976) 2 FPPC Ops. 151). The language of Section 85311 limits its application to state candidates. There is no mention of aggregation requirements being extended to local campaign contribution limits. Absent language in the local ordinance incorporating the provision of the Act, Section 85311 does not apply to the local contribution requirements of the City of West Covina. Regulation 18215.1 also defines when to aggregate the contributions of donors. While similar to Section 85311, the Regulation clarifies the aggregation rules for local jurisdictions that have adopted the Act's aggregation provision. Absent local language incorporating the Act's aggregation provisions, Regulation 18215.1 also does not apply to the City of West Covina at the time the contributions were made.

At the time of the alleged violations, the local campaign ordinances of the City of West Covina did not have a provision requiring the aggregation of campaign contributions, so it is up to the local authority to interpret the ordinance and determine how the ordinance applies. At the time of the alleged offences, the West Covina City Code did not provide the public or candidates with any notification that donations will or may be aggregated in terms of determining compliance with the \$500 limit. However, it should be noted that best practices dictate that candidates and committees make a good faith investigation into the sources of contributions received by them. Thus, this case will be closed without further action.

Additionally, please be advised that Section 85301, subdivision (d), effective January 1, 2021, provides the Commission authority to enforce contribution limits in local jurisdictions in certain circumstances. Please see our website for further information (<https://www.fppc.ca.gov/learn/Contribution-Limits-City-and-County-Candidates.html>).

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 279-237-3752 with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Rose". The signature is written in a cursive, flowing style.

Alex J. Rose, Commission Counsel
Enforcement Division