



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

December 14, 2023

reImagine Santa Cruz
Erica Aitken, Committee Treasurer
[REDACTED]

Warning Letter re: FPPC No. 2020-00816; reImagine Santa Cruz and Erica Aitken

Dear reImagine Santa Cruz and Erica Aitken:

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 a sworn complaint against reImagine Santa Cruz (the “Committee”), alleging that the Committee failed to use the proper advertisement disclaimers in electronic media advertisements paid for by the Committee.

The Enforcement Division has completed its investigation of the facts in this case. Specifically, the Enforcement Division found that the Committee failed to include the proper advertisement disclaimers in electronic media advertisements. The investigation also found that the Committee failed to timely file an amended Statement of Organization by the September 30, 2020 deadline, two preelection campaign statements for the reporting periods of July 1, 2020 through September 19, 2020, and September 20, 2020 through October 17, 2020, by the September 24, 2020 and October 22, 2020 deadlines, respectively, and a semi-annual campaign statement for the reporting period of January 1, 2022 through June 30, 2022 by the July 31, 2022 deadline.

An advertisement is any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing one or more candidates for elective office or one or more ballot measures.² In 2020, the Act provided that electronic media advertisements paid for by a committee shall include the words “Who funded this ad?,” “Paid for by,” or “Ad Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101,³ in specified formatting⁴, and it must link to a website containing the “Ad paid for by,” “Committee major funding from,” and “Not authorized by” disclosures in a contrasting color and in no less than 8-point font.⁵ An

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.

² Section 84501.

³ Section 84502.

⁴ Section 84504.2.

⁵ Section 84504.3, subdivision (b).

advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate.⁶

The Act requires that if there is a change in any of the information contained in a committee's statement of organization, an amendment must be filed with the Secretary of State and local filing officer within 10 days to reflect the change.⁷ The Act requires city general purpose committees to file two pre-election campaign statements at specified times prior to the election in which the committee makes contributions or independent expenditures totaling \$500 or more to support or oppose a candidate or measure appearing on the ballot at the next city election. The Act also requires city general purpose committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.⁸ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee.⁹

Your actions violated the Act by failing to include the proper advertisement disclaimers in electronic media advertisements that were independent expenditures supporting four local candidates. Additionally, your actions violated the Act by filing an amended statement of organization, two pre-election campaign statements and a semi-annual campaign statement after the due dates. However, mitigating factors exist here. The electronic media advertisements linked to the Committee's website, and it was clear who paid for the advertisements and there was no confusion. All campaign statements that were due before the election were filed before the election, and no 24-hour reporting was required. The Committee raised and spent a relatively low amount, is no longer politically active, and you have no prior Enforcement history. 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.¹⁰ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹¹ This resolution may not be used as a comparable case for other enforcement matters.¹²

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.

⁶ Section 84506.5.

⁷ Section 84103, subdivision (a).

⁸ Sections 84200.5, subdivision (a)(5), and 84200.

⁹ Section 84214; Regulation 18404.

¹⁰ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹¹ Regulations 18360.1 and 18360.3.

¹² See Regulation 18361.5, subd. (e)(3).

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 or your clients need forms, manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. Please feel free to contact me at (916) 322-7771 or abreron@fppc.ca.gov with any questions regarding this letter.

Sincerely,

Angela J. Breron

Angela J. Breron
Assistant Chief
Enforcement Division