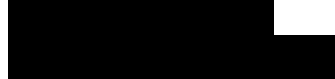




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

March 21, 2024

Robert Kooyman
Individually and on behalf of
Santa Barbara Rental Property Association PAC
Santa Barbara Rental Property Association Issues PAC



Also, via email: admin@sbrpa.org

Re: Warning Letter: FPPC No. 2019-00066, In the Matter of Santa Barbara Rental Property Association PAC and Robert Kooyman; and FPPC No. 2019-00067, In the Matter of Santa Barbara Rental Property Issues PAC and Robert Kooyman.

Dear Robert Kooyman,

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Commission received a referral from the Secretary of State regarding failure to timely pay the Annual Fee owed to the Secretary of State. The committees at issue were the Santa Barbara Rental Property Association PAC (“SBRP PAC”) and the Santa Barbara Rental Property Issues PAC (“SBRP Issues PAC”). During the relevant period, both committees reported Robert Kooyman as the treasurer. The Annual Fee has since been paid but during the initial review, intake staff determined that further review was needed to determine if the committees had fully complied with all the reporting requirements of the Act. Our investigation determined that both committees had failed to timely file campaign statements. The SBRP PAC has already agreed to a streamline penalty for the failure to timely file pre-election statements, a semiannual statement, and three late 24-hour contribution reports. This warning letter resolves the remaining violations at issue.

The Act requires general purpose committees to file semi-annual campaign statements until the committee terminates.² These reports are due even if the committee had no activity during the relevant period. In addition, if the committee makes contributions or independent expenditures totaling \$500 or more to support or oppose a candidate or measure appearing on the ballot during the pre-election reporting period, it must file pre-election statements.³ When a committee makes a contribution to a candidate during the 90-day election cycle, the committee must file a late contribution report within 24 hours of making the contribution.⁴ A general purpose committee must indicate whether the committee is a city, county, or state committee and include a brief description of the committee’s activity on the statement of organization filed with the Secretary of State (also

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 84200.

³ Section 84200.5.

⁴ Section 84203.

known as a Form 410.)⁵ A general purpose committee is required to evaluate its activity periodically to determine whether it is still a general purpose committee and whether it is still filing in the correct jurisdiction.⁶ For example, a city general purpose committee is a committee that makes more than 70 percent of its contributions or expenditures to support or oppose candidates or measure voted on in only one city. A state general purpose committee makes contributions or expenditures to support or oppose candidates or measures voted on in state elections and does not meet the criteria for a city or county committee.⁷ When general purpose committees review their status, they must consider whether their jurisdiction reflects the current and upcoming activities of the committee.

With respect to the SBRP PAC, records show that the committee failed to timely file two semiannual campaign statements for the reporting periods ending December 31, 2020 and June 30, 2021. However, city records show that the committee has since remained current in campaign filings. With respect to the SBRP Issues PAC, records show that the committee failed to timely file three semiannual campaign statements for the reporting periods ending December 31, 2019, December 31, 2020, and June 30, 2021. However, records show that the committee has since remained current in campaign filings. In addition, city records show that both of the committees, originally designated as state general purpose committees, began filing in and acting as a city general purpose committees in 2016. However, the committees did not update their Statement of Organization to reflect this change until 2020.

The SBRP PAC, SBRP Issues PAC, and Kooyman have violated the Act due to their failure to timely file statements and failure to update their Statement of Organization. However, there is mitigation present here. Many of the late statements had minimal activity. Further, there was minimal public harm when the committee failed to redesignate as the committee filed statements with the appropriate filing officer. 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.⁸ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁹ This resolution may not be used as a comparable case for other enforcement matters.¹⁰

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.

⁵ Regulation 18410, subdivision (a)(10).

⁶ Regulation 18227.5.

⁷ Regulation 18247.5.

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

⁹ Regulations 18360.1 and 18360.3.

¹⁰ See Regulation 18361.5, subdivision (e)(3).

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.

If you have any questions regarding this letter, please contact Theresa Gilbertson at tgilbertson@fppc.ca.gov or by phone at (279) 237-5960.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division