



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

October 20, 2023

Bensworth for Tustin City Council
Kurt Bensworth, Candidate
Perez for Tustin City Council
James Perez, Candidate
Dana Hopkins, Treasurer



Warning Letter: FPPC No. 2020-00912; Bensworth for Tustin City Council, Kurt Bensworth, Perez for Tustin City Council, James Perez, Dana Hopkins

Dear Respondents,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a sworn complaint alleging that Kurt Bensworth, James Perez and your candidate controlled committees, Bensworth for Tustin City Council (“the Bensworth Committee”) and Perez for Tustin City Council (“the Tustin Committee”) violated the Act’s advertisement disclaimer requirements and failed to report all contributions and expenditures in advance of the November 3, 2020 General Election. The Enforcement Division has completed its review of the case and both committees failed to report expenditures on two campaign statements.

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring candidates and committees to disclose all contributions received and expenditures made throughout a campaign on timely filed campaign statements and reports.² Additionally, the Act requires committees to report all contributions and expenditures.³ The following information about a person who makes, in the aggregate, contributions of \$100 or more must be disclosed: (1) full name; (2) street address; (3) occupation; (4) employer, or if self-employed, the name of the contributor’s business; (5) the date and amount of each contribution received from the contributor during the reporting period; and (6) the cumulative amount of contributions received from the contributor.⁴ For expenditures of \$100 or more, the committee must disclose: (1) the full name of each person to whom an expenditure is made; (2) the person’s street address; (3) the amount of the expenditure; and (4) a brief description of the expenditure.⁵ An expenditure also includes payments made by an agent or independent contractor, commonly referred to as “subvendor payments,” of \$500 or more.⁶

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² See sections 81002, subd. (a); See Section 84200, *et seq.*

³ Section 84211

⁴ Section 84211, subd. (f).

⁵ Section 84211, subd. (k)

⁶ Sections 84211, subd. (k)(6), and 84303, subd. (a).

Here, the Bensworth Committee and the Perez Committee failed to timely report \$225 in expenditures on their respective campaign statements covering the period of January 1, 2020 to June 30, 2020. Additionally, on the campaign statement covering the period of July 1, 2020 to September 19, 2020 the Bensworth Committee failed to timely report \$775 in expenditures, and the Perez Committee failed to timely report \$2,472 in expenditures. The Enforcement Division is closing this case with a warning letter because the evidence shows both Committees amended the campaign statements prior to the election to reflect shared expenses split evenly between the committees. In addition, the candidates were both first-time candidates and inexperienced with the Act. Finally, both candidates were unsuccessful, both committees raised and spent a low amount, both committees are terminated, and the respondents do not have any recent, similar 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 this 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.

If you have any questions regarding this letter, please contact me at 279-237-5932 or MCorona@fppc.ca.gov

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

cc: Complainant, Ajay Mohan ajay@ocdemocrats.org