



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

August 15, 2024

Brea Olinda Teachers Association PAC
Glenda Bartell, Principal Officer
Ashely Cooper, Treasurer
Tamara O'Rourke, Past Treasurer and Principal Officer
Via email: matt@mynocut.org

Warning Letter re: FPPC No. 2020-01045; Brea Olinda Teachers Association PAC, Ashely Cooper, Glenda Bartell and Tamara O'Rourke

Dear Brea Olinda Teachers Association PAC ("BOTA") and Ashley Cooper:

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 Enforcement Division received a sworn complaint against BOTA. In general, the complaint alleged that BOTA failed to comply with the Act's reporting requirements in regard to the general purpose committees. The Enforcement Division has completed its review of the matter. Specifically, we confirmed BOTA failed to timely file four semi-annual campaign statements. BOTA also failed to timely report two expenditures on two campaign statements, and contributions on four campaign statements.

The Act requires general purpose committees to file semi-annual campaign statements until the committee has terminated.² These statements are due even if the committee had no activity during the relevant period.

The Act's central purpose is to ensure voters are fully informed and improper practices are inhibited by requiring committee to disclose all contributions received and expenditures made throughout a campaign on timely filed campaign statements and reports.³ The Act requires committees to accurately report expenditures made during the relevant reporting period.⁴ The Act also requires committees, who receive contributions of \$100 or more, to report the contributors name, street address, occupation and employment.⁵

On, August 15, 2024 BOTA's streamline stipulation was approved for two counts of failing to timely file a late independent expenditure report and a pre-election campaign statement. The remaining violations are being resolved with this warning letter because the Enforcement

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 Sections 84200 and 84214.

³ Section 81002, subd. (a); Section 84200, *et seq.*

⁴ Section 84211, subd. (i).

⁵ Section 84211, subd. (f).

Division has determined that further enforcement action on these violations is not warranted due to the mitigating circumstances that exist here.

BOTA violated the Act by failing to timely file four semi-annual campaign statements for the reporting periods ending: June 30, 2019; December 31, 2019; June 30, 2020; and December 31, 2020. Additionally, BOTA failed to report a \$50 expenditure on each semi-annual campaign statement for the periods ending on June 30, 2021 and December 31, 2021. BOTA also failed to report contributions received on semi-annual statements for the reporting periods ending: December 31, 2021; June 30, 2022; December 31, 2022 and June 30, 2023. With respect to these findings, the Enforcement Division has determined that the following mitigating circumstances exist here: BOTA has no prior history of enforcement actions, there is evidence that the individuals involved made a good faith attempt to comply with the reporting requirements of the Act, BOTA raised and spent a low amount in connection with the election, and the violations being resolved with this warning letter were not in connection with an election. BOTA also filed corrective amendments after contact from Enforcement.⁶ 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.⁷ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁸ This resolution may not be used as a comparable case for other enforcement matters.

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.

If you have any questions regarding this letter, please contact Chance Felkins at cfelkins@fppc.ca.gov or (279) 237-3766.

⁶ The amended statement for the reporting period ending December 31, 2022, shall be amended to reflect all of the contributor information for contributions made to BOTA.

⁷ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁸ Regulations 18360.1 and 18360.3.

Sincerely,

Michael Chance Felkins

Michael Chance Felkins, Commission Counsel
Enforcement Division

cc: Sworn complainant