



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

November 22, 2024

Maggie Moe for City Council 2020
Magdalena Barragnon Moe, Candidate
Rebecca Cantarero, Treasurer
Via Email: [REDACTED]

**Warning Letter Re: FPPC Case No. 2020-00327; Maggie Moe for City Council 2020,
Magdalena Barragnon Moe, Rebecca Cantarero**

Dear Committee, Candidate, and Treasurer:

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 anonymous AdWatch submissions alleging that Maggie Moe for City Council 2020 (the “Committee”) violated the advertisement disclosure provisions of the Act concerning two print advertisements prior to the November 3, 2020 election. The Enforcement Division has completed its investigation of this case and has found that the Committee failed to file and filed inaccurate campaign statements, failed to include required advertisement disclosures, and failed to comply with recordkeeping provisions of the Act.

The Act requires committees to file an amended Statement of Organization (Form 410) with both the Secretary of State and with the candidate’s local filing officer within 10 days of the date it qualifies as a recipient committee.² The Act also requires candidates and controlled committees for local office being voted on March 3, 2020 to file various campaign statements, including a semi-annual statement covering January 1, 2019 through December 31, 2019 by January 31, 2020, the 1st pre-election statement covering January 1, 2020 through January 18, 2020 by January 23, 2020, the 2nd pre-election statement covering January 19, 2020 through February 15, 2020 by February 20, 2020, and a semi-annual statement covering February 16, 2020 through June 30, 2020 by July 31, 2020.³ Additionally, the Act requires committees to file a Form 410 with the Secretary of State to terminate the committee.⁴ Further, the obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee and, controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁵

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 84101 and 84103.

³ Sections 84200 and 84200.5.

⁴ Section 84214 and Regulation 18404.

⁵ Sections 83116.5 and 91006.

Additionally, the Act requires that communications by candidate committees for their own election, including mass mailings, display a disclosure with the words “Paid for by *committee name*” in no less than 6-point type and in a contrasting print or color on the outside of the mailing using the same color and font and immediately in front of or above the candidate’s committee name and address.⁶ A mass mailing is over 200 substantially similar pieces of mail that are sent within one calendar month.⁷

The Act also requires that each candidate, treasurer, principal officer, and elected officer maintain, for a period specified by the Commission, detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of the Act.⁸

The Committee violated the Act because it failed to timely file an amended Form 410 with the Secretary of State by 2/17/20 indicating that it had qualified, it failed to timely file the 1st pre-election statement by January 23, 2020, the 2nd pre-election statement by February 20, 2020, an amended semi-annual statement covering the entire period of February 16, 2020 through June 30, 2020 by July 31, 2020, a semi-annual statement covering July 1, 2020 through December 31, 2020 by February 1, 2021, and a semi-annual statement covering July 1, 2021 through December 31, 2021 by January 31, 2022. The Committee also violated the Act because it ordered 10,000 copies of a mailer within one calendar month that it then distributed without including a compliant advertisement disclosure. The two-sided mailer titled “Join the Magdalena Barragnon Moe Team!” included a partial disclosure on one side of the mailer by listing the Committee’s name, however it failed to include the required information listed above. Further, the Committee failed to maintain adequate records regarding the advertisements that it disseminated and contribution checks that it received. However, the Enforcement Division has determined that mitigating circumstances are present here and has decided to close this case with a warning letter rather than a fine for the following reasons: the Committee raised and spent a relatively low amount; although an amended campaign statement was required, two separate campaign statements were timely filed covering the semi-annual period of February 16, 2020 through June 30, 2020; the mass mailer displayed the Committee name despite failing to display the correct advertisement disclosure; the missing disclosure resulted in relatively low public harm because the Committee name was displayed; there was no evidence of an intent to violate the Act or conceal the violations; the Committee does not have prior Enforcement history involving the same violation; and, the Committee has terminated.

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.

⁶ Section 84305.

⁷ Section 82041.5.

⁸ Section 84104 and Regulation 18401.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulations 18360.1 and 18360.2 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 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 10 days from the date of this letter.

Please feel free to contact me at vjimmy@fppc.ca.gov or (279) 237-5971 with any questions that you may have regarding this letter.

Sincerely,

Vanessa Jimmy

Vanessa Jimmy
Commission Counsel
Enforcement Division