



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

November 26, 2024

Santa Monicans for Residents' Rights
Cris McLeod, principal officer

Via email: [REDACTED]

**Warning Letter re: FPPC Case No. 2023-00477; Santa Monicans for Residents' Rights, and
Cris McLeod**

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 opened a commission-initiated case related to a mailer sent by the committee Santa Monicans for Residents' Rights (the "Committee"). The Enforcement Division has completed its review of the matter and found that you failed to include some of the required disclaimers on a mailer distributed by the Committee in advance of the November 8, 2022 General Election.

Under the Act, any advertisement that is paid for by a committee, other than a political party committee or candidate-controlled committee established for an elective office of the controlling candidate, shall include the words "Ad paid for by" followed by the name of the committee.² The Act also requires advertisements paid for by a committee, other than a political party committee or candidate-controlled committee established for an elective office of the controlling candidate, to include the words "committee major funding from" followed by the names of the top contributors to the committee paying for the advertisement.³ Further, an advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate.⁴ Additionally, a print advertisement of this nature that is designed to be individually distributed shall include the required disclosure in a printed or drawn box with a solid white background at the bottom of at least one page and set apart from other printed matter.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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84502, subd. (a)(1). Per Section 84502, subd. (c), an advertisement that is a printed letter may use the words "Paid for by" instead of "Ad paid for by."

³ Section 84503. "Top contributors" means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more. Section 84501, subd. (c).

⁴ Section 84506.5.

⁵ Section 84504.2, subd. (a)(1).

You violated the Act by sending a mailer that failed to meet the advertising disclaimer requirements of the Act. Although the mailer included the required “Paid for by” and “not authorized” disclaimers on the mail piece, the disclaimers did not appear in a printed or drawn box, as required under Section 84504.2 of the Act. Further, although the Committee had a single top contributor at the time of the mailing, the mailer failed to include the required “top contributor” disclaimer. However, there are certain mitigating factors present in this case: it was clear that the Committee paid for the mailer, the Committee has terminated, the single top contributor was reported prior to the election on the Committee’s timely-filed campaign statement, the candidate supported in the mailer was unsuccessful, and you have no prior history of violating the Act. 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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 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 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.

Please feel free to contact me at cburton@fppc.ca.gov or (279) 237-3769 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subd. (e)(3).

Assistant Chief of Enforcement
Fair Political Practices Commission