



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

September 17, 2024

LaTisa Brooks
Citizens Against the Perez Recall

Warning Letter re: FPPC Case No. 2020-00243; Citizens Against the Perez Recall; LaTisa Brooks

Dear Ms. Brooks:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ This case arises from three sworn complaints and an anonymous complaint regarding the above-referenced committee. The complaints included allegations of campaign filing violations. After conducting an investigation, the Enforcement Division is closing this case with this warning letter, as discussed below.

On March 3, 2020, Foster City Council Member Herb Perez was recalled. You were the treasurer and principal officer of the committee known as Citizens Against the Perez Recall (which is referred to simply as the committee for ease of reference). The committee was primarily formed to oppose the recall.

The committee first qualified as a recipient committee (by receiving \$2,000 or more) on January 30, 2020. (On this date, the committee reported receiving a loan from you in the amount of \$1,400. The only other contribution that the committee reported receiving prior to this was another loan from you, on 12/30/19, in the amount of \$1,200.) You and the committee were required to file an amended Form 410 statement of organization within 10 days of this date (when the committee qualified as a recipient committee), but you failed to do so, in violation of Section 84103, subdivision (a). (This statement was required to be filed with the Secretary of State and with the Foster City Clerk's office. On 2/26/20, the committee filed an amended Form 410 with the Foster City Clerk, purporting to have qualified on 9/30/19, but it appears this filing was in error, as the committee did not report receiving any contributions on or before 9/30/19.)

The committee timely filed a Form 460 pre-election statement for the period ending February 15, 2020. (The committee filed two separate Form 460s: one for 1/1 – 1/18/20 and one for 1/19 – 2/15/20. Only one filing was required for the entire period of 1/1 – 2/15/20 because the committee did not qualify as a recipient committee until partway through the second pre-election reporting period.) In violation of Section 84211, subdivisions (b), (i), and (k), you failed to include Schedule D. About six days after the filing deadline, Schedule D information was provided by way of amendments, reporting three monetary contributions to you, totaling \$4,000, which were described as loans. It appears this information was erroneous. If the money was being spent on advertisements in opposition to the recall, then this should have been disclosed. Schedules A and B are the proper schedules for reporting the sources of loans. Schedule D is for disclosing how campaign funds are spent when they are spent in connection with candidates/measures.

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2020).

On or about January 30, 2020, the committee received a loan from you in the amount of \$1,400—and another loan from you in the same amount on February 11, 2020. You and the committee were required to report receipt of these contributions within 24 hours on Form 497 24-hour contribution reports, but you failed to do so, in violation of Section 84203.

You disclosed to Enforcement that a consultant named Derrick Shelton handled the purchasing of campaign materials—and that he was paid by the committee. However, this was not disclosed on Schedules E and G of the committee's Form 460 filings, in violation of Sections 84211, subdivisions (k)—and 84303.

Additionally, you and the committee failed to keep nearly all required committee records, in violation of Section 84104 and Regulation 18401.

In mitigation, you appear to have been inexperienced with the requirements of the Act. You appear to have been the sole funder of the committee. It appears that only a small amount of money was raised and spent (approximately \$4,000). You stated that Derrick Shelton kept the committee's records, but that he passed away. Also, the committee's efforts were unsuccessful, given that Councilmember Perez was recalled.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.² Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.³ This resolution may not be used as a comparable case for other enforcement matters.⁴

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. This warning letter may be considered in any future enforcement actions.

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.

² See: <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>.

³ Regulations 18360.1 and 18360.3.

⁴ See Regulation 18361.5, subdivision (e)(3).

If you need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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