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8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
9 **STATE OF CALIFORNIA**  
10

11 In the Matter of: ) FPPC No. 2021-00292  
12 )  
13 ) **STIPULATION, DECISION, AND ORDER**  
14 )  
15 ) Date Submitted to Commission:  
16 ) May 14, 2026  
17 )  
18 )  
19 ) Respondent. )  
20 )  
21 )

22 **INTRODUCTION**

23 Respondent Los Angeles County Fire Department (“LACFD”) is a comprehensive emergency  
24 service agency responsible for fire protection, rescue operations, and emergency services in Los Angeles  
25 County. The present case arose from a Commission-initiated complaint.

26 Under the Political Reform Act (the “Act”),<sup>1</sup> campaign related mailings are prohibited from being  
27 sent at public expense if they unambiguously urge for the passage or defeat of a ballot measure. The Act  
28 also maintains that a local government agency that spends \$1,000 or more in public funds to advocate for

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<sup>1</sup> The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 or against a ballot measure qualifies as a campaign committee and must comply with all provisions of  
2 the Act related to campaign committees, including filing campaign statements and reports. Additionally,  
3 campaign-related mailings and advertisements must adhere to certain advertising disclaimer regulations.  
4 Respondents violated the Act by distributing a campaign-related mailing at public expense, failing to  
5 include a disclosure statement on a mailer, radio, video, website, and social media advertisements, failing  
6 to timely file five 24-Hour Independent Expenditure Reports and a semi-annual campaign statement, and  
7 failing to timely report five independent expenditures on the semi-annual campaign statement.

### 8 **SUMMARY OF THE LAW**

9 The violations in this case occurred in 2020, so all legal references and discussions of the law  
10 pertain to the Act’s provisions as they existed at that time.

#### 11 **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

12 When enacting the Political Reform Act, the people of California found and declared that  
13 previous laws regulating political practices suffered from inadequate enforcement by state and local  
14 authorities.<sup>2</sup> For this reason, the Act is to be construed liberally to accomplish its purposes.<sup>3</sup>

15 One purpose of the Act is to promote transparency by ensuring that expenditures made in  
16 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper  
17 practices are inhibited.<sup>4</sup> In furtherance of this purpose, the Act establishes a comprehensive campaign  
18 reporting system<sup>5</sup> and requires any committee that supports or opposes a ballot measure to print its  
19 name as part of any advertisement.<sup>6</sup> Another purpose of the Act is to provide adequate enforcement  
20 mechanisms so the Act will be “vigorously enforced.”<sup>7</sup>

#### 21 **Prohibited Campaign Related Mailing Sent at Public Expense**

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24 <sup>2</sup> Section 81001, subd. (h).

25 <sup>3</sup> Section 81003.

26 <sup>4</sup> Section 81002, subd. (a).

27 <sup>5</sup> Sections 84200, *et seq.*

28 <sup>6</sup> Section 84506.

<sup>7</sup> Section 81002, subd. (f).

1 The Act prohibits sending a newsletter or other mailing at public expense.<sup>8</sup> While the Act seems  
2 to be written in absolute terms, regulations have focused this prohibition to reflect the intent of the Act.  
3 Specifically, newsletters and other mailings are prohibited if (1) the item is a tangible item; (2) the item  
4 expressly advocates the qualification, passage, or defeat of a clearly identified measure, or  
5 unambiguously urges a particular result in an election; (3) public moneys are paid to distribute the item,  
6 or to prepare the item, for more than \$50, with the intent of sending the item; and (4) more than 200  
7 substantially similar items are sent during the course of an election.<sup>9</sup>

8 A mailing expressly advocates for or against a measure if it contains words like “vote for,”  
9 “elect,” “support,” “defeat,” or “reject” in relation to a specific candidate or ballot measure.<sup>10</sup> If a  
10 mailing does not contain express language it still may unambiguously urge a particular result in an  
11 election in one of two ways: (1) when it clearly is campaign material or campaign activity, such as  
12 bumper stickers, billboards, door-to-door canvassing, posters, advertising “floats,” or mass media  
13 advertising;<sup>11</sup> or (2) when the style, tenor, and timing of the communication can be reasonably  
14 characterized as campaign material and not a fair presentation of facts serving only an informational  
15 purpose.<sup>12</sup> Some factors to consider when assessing style, tenor, and timing include, but are not limited  
16 to whether the communication is (1) funded from a special appropriation related to the measure as  
17 opposed to a general appropriation; (2) consistent with the normal communication pattern for the  
18 agency; (3) consistent with the style of other communications issued by the agency; and (4) using  
19 inflammatory or argumentative language.<sup>13</sup>

20 The Commission adopted Regulation 18420.1 based on the California Supreme Court’s decision  
21 in *Vargas v. City of Salinas, et. al.* (2009) 46 Cal. 4th 1.<sup>14</sup> In *Vargas*, the Court relied heavily on its  
22 decision in *Stanson v. Mott* (1976) 17 Cal. 3d 206. *Stanson* established the analysis for determining  
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24 <sup>8</sup> Section 89001.

25 <sup>9</sup> Regulation 18901.1, subd. (a).

26 <sup>10</sup> Regulation 18225, subd. (b)(2).

27 <sup>11</sup> Regulation 18420.1, subd. (b)(1).

28 <sup>12</sup> Regulation 18420.1, subd. (b)(2).

<sup>13</sup> Regulation 18420.1, subd. (d).

<sup>14</sup> Fair Political Practices Commission, Minutes of Meeting, Public Session, Sept. 10, 2009, item no. 25, page 3.

1 when communications by a governmental agency that do not contain express advocacy still constitute  
2 campaign activity. The Court went on to conclude that certain publicly financed literature that is not  
3 clearly campaign material and that purports to contain only relevant information can be prohibited  
4 campaign activity depending on the “style, tenor and timing of the publication.”<sup>15</sup>

5 Neither *Vargas* nor *Stanson* directly concerned any provisions of the Act. They were decided  
6 based on the constitutional prohibition against unauthorized use of public funds. But, since in those  
7 cases the State Supreme Court had defined when government agencies are prohibited from using public  
8 moneys to pay for communications related to ballot measures, the Commission adopted the parameters  
9 described in *Vargas* for determining when a government agency makes contributions and independent  
10 expenditures under the Act.<sup>16</sup>

### 11 **Advertisement Disclosures**

12 An advertisement includes any general or public communication which is authorized and paid  
13 for by a committee for the purpose of supporting or opposing one or more ballot measures.<sup>17</sup> More  
14 importantly, such an advertisement, that is paid for by an independent expenditure, must include a  
15 disclosure statement that identifies the name of the committee. “Ad paid for by” should immediately  
16 precede the committee’s name as it appears on campaign statements.<sup>18</sup> Finally, the law requires that the  
17 disclosure area look a specific way, including, the text appearing in an Arial or equivalent type of at  
18 least 10-point and being in a contrasting color and printed or drawn on the bottom of at least one page  
19 that is set apart from any other printed matter.<sup>19</sup>

20 An advertisement paid for by an Independent Expenditure Committee that is disseminated as a  
21 video, including advertisements on television and videos disseminated over the Internet, shall include  
22 the disclosures required by Sections 84502 and 84503 at the beginning or end of the advertisement.<sup>20</sup>  
23 The required disclosure shall be written and displayed for at least five seconds of a broadcast of 30

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24 <sup>15</sup> *Id.* at 222.

25 <sup>16</sup> Fair Political Practices Commission, Minutes of Meeting, Public Session, Sept. 10, 2009, item no. 25, page 3.

26 <sup>17</sup> Section 84501.

27 <sup>18</sup> Sections 84502, subd. (b) and 84211, subd. (o).

28 <sup>19</sup> Section 84504.2.

<sup>20</sup> Section 84504.1.

1 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.<sup>21</sup> The required  
2 written disclosure shall appear on a solid black background on the entire bottom one-third of the  
3 television or video display screen, or bottom one-fourth of the screen if the committee does not have or  
4 is otherwise not required to list top contributors, and shall be in a contrasting color in standard Arial  
5 Regular type, and the type size for capital letters in the written disclosure shall be 4 percent of the height  
6 or width of the television or video display advertisement, whichever is less.<sup>22</sup> The disclosures required  
7 by Section 84502 shall be white. The disclosures required by Section 84503, if any, shall be yellow,  
8 such as HTML hex value #FFFF00, and shall be separated from the disclosures required by Section  
9 84503 by a blank horizontal space at least 2 percent of the height of the television or video display  
10 screen.<sup>23</sup>

11 An advertisement paid for by an Independent Expenditure Committee that is disseminated over  
12 the radio or by telephonic means shall include the disclosures required by Sections 84502, 84503, and  
13 84506.5 at the beginning or end of the advertisement, read in a clearly spoken manner and in a pitch and  
14 tone substantially similar to the rest of the advertisement, and shall last no less than three second.<sup>24</sup>

15 An online platform that disseminates a committee's online platform disclosed advertisement  
16 shall display one of the following: (1) "Paid for by" or "Ad Paid for by" followed by the disclosure  
17 name provided by the committee, easily readable to the average viewer, located adjacent to any text  
18 stating that the advertisement is an advertisement or is promoted or sponsored, (2) a hyperlink, icon,  
19 button, or tab with the text "Who funded this ad?," "Paid for by," or "Ad Paid for by" that is clearly  
20 clickable in the same or similar font and in at least the same font size as the online platform's text, and  
21 easily readable to the average viewer, stating that the advertisement is an advertisement or is promoted  
22 or sponsored, or (3) hyperlinks, icons, buttons, or tabs used for the purposes described in paragraphs (1)  
23 and (2) shall be linked to the profile or landing page of the committee that paid for the advertisement.<sup>25</sup>

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25 <sup>21</sup> Section 84504.1, subd. (b).

26 <sup>22</sup> Section 84504.1, subd. (b)(1).

27 <sup>23</sup> Section 84054.1, subd. (b)(2).

28 <sup>24</sup> Section 84504, subd. (a).

<sup>25</sup> Section 84504.5, subd. (c)

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3 **Campaign Statements and Reports**

4 A committee is any person or combination of persons who, in a calendar year, receives  
5 contributions totaling \$2,000 or more; makes independent expenditures totaling \$1,000 or more; or  
6 makes contributions totaling \$10,000 or more to or at the behest of candidates or other committees.<sup>26</sup>  
7 When a state or local governmental agency uses public moneys for a communication that (1) expressly  
8 advocates for or against a clearly identified candidate or ballot measure or (2) unambiguously urges a  
9 particular result in an election, the Act identifies that payment as an independent expenditure.<sup>27</sup> The  
10 standard for determining if a communication by a public agency qualifies as an independent  
11 expenditure is the same as the standard for the campaign related mailings sent at public expense  
12 discussed above.<sup>28</sup>

13 If a state or local governmental agency distributes communications that qualify as campaign  
14 expenditures and cost \$1,000 or more in a calendar year, it qualifies as an independent expenditure  
15 committee.<sup>29</sup> A committee must file a late independent expenditure report within 24 hours of making an  
16 expenditure of \$1,000 or more during the 90 days prior to an election.<sup>30</sup> The report must include the  
17 committee’s name, committee’s address, number or letter of the measure, jurisdiction of the measure,  
18 amount, date, and description of goods or services for which the late independent expenditure was  
19 made.<sup>31</sup> In addition to the 24-Hour Independent Expenditure Report (“Form 496”), an independent  
20 expenditure committee must also file an Independent Expenditure Campaign Statement (“Form 461”),  
21 which includes some of the information reported on the Form 496 and additional information which  
22 provides more transparency.<sup>32</sup> Requiring local government agencies to file campaign statements and  
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24 <sup>26</sup> Section 82013.

25 <sup>27</sup> Regulation 18420.1, subd. (a).

26 <sup>28</sup> See Regulations 18420.1 and 18901.1.

27 <sup>29</sup> Regulation 18420, subd. (d).

28 <sup>30</sup> Sections 82036.5 and 84204.

<sup>31</sup> Section 84204.

<sup>32</sup> Section 84200, subd. (b).

1 reports furthers the Act’s purpose in disclosing expenditures made in election campaigns so that voters  
2 are fully informed and improper practices are inhibited.<sup>33</sup>

3 **SUMMARY OF THE FACTS**

4 A parcel tax was on the March 3, 2020 Primary Election ballot for Los Angeles County voters.  
5 Measure FD authorized Los Angeles County to levy a 6 cent per square foot tax on parcel  
6 improvements and the funds raised would go to the LACFD. A 66.67% supermajority vote was  
7 required for approval of Measure FD, but it was defeated with 52% voting yes. Los Angeles County  
8 had a total population of 9.943 million in 2020.<sup>34</sup>

9 On December 17, 2019, LACFD presented an agenda item to the Los Angeles County Board of  
10 Supervisors (the “Board”) for authorization to amend the existing delegated authority agreement  
11 between the Chief Executive Office of LACFD and TBWBH Strategies and to approve a special  
12 appropriation adjustment in the amount of \$2,000,000 from the Obligated Fund Balance Committee for  
13 Infrastructure Growth to the Services and Supplies appropriation within the Fire District’s Executive  
14 Budget Unit. During the Board meeting, the Board unanimously approved LACFD’s request and the  
15 delegated authority agreement for consulting services with TBWBH Strategies was signed on  
16 December 26, 2019.

17 **Mailer**

18 Prior to the election, on or around February 12, 2020, LACFD sent a two-sided mailing (the  
19 “Mailer”) to local residents (see the attached Exhibit A). One of the pages included six sections of text  
20 titled “Outdated Communication Systems,” “Outdated Rescue Equipment,” “More Fast Moving,  
21 Extreme Wildfires,” “LA County Fire is Your Local Fire Department,” Measure FD Funds Would be  
22 Used to,” and “Independent Citizens’ Oversight to Ensure Fiscal Accountability.” The section titles all  
23 provide arguments in support of Measure FD. Even the one section that discusses the biggest argument  
24 against Measure FD, the parcel tax increase, is disguised with the supportive title “LA County Fire is  
25 Your Local Fire Department.”

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27 <sup>33</sup> Section 81002, subd. (a).

28 <sup>34</sup> Per the United States Census Bureau.

1 Combined, these sections urged support for local Measure FD. The first section outlines the  
2 necessity of updating LACFD’s communication systems, including “emergency response, lifesaving  
3 protection and rescue.” The second section outlines the necessity of updating LACFD’s rescue  
4 equipment citing “vehicles are more than 20 years old and costly to repair and maintain.” The third  
5 section builds the argument for why Measure FD is necessary by stating there are “longer fire seasons”  
6 and “limited number of firefighters.” The fourth section mentions the 6 cent per square foot tax on  
7 parcel improvements. The fifth section lists the uses for the funds. The sixth section highlights the  
8 fiscal accountability of the funds.

9 Additionally, the Mailer has two graphics and four images that evoke feelings of support. The  
10 first graphic is a line chart showing a “50% increase in emergency medical incidents” and a “less than  
11 5% increase in Paramedic Squads.” The second graphic states that “84% of 911 calls are for medical  
12 assistance.” Therefore, the argument from the graphics is vote for Measure FD or your likelihood of  
13 dying will increase. The images on the Mailer that are inflammatory show paramedics helping someone  
14 on a stretcher and a fireman fighting a wildfire. These images further the same tone of the graphics by  
15 conveying a sense of urgency for the voter. The images create a link between existential danger for the  
16 viewer and the passage of Measure FD.

17 The style of the Mailer is persuasive and informative. It aims to convince readers of the  
18 necessity of Measure FD while providing detailed information about how funds will be used and  
19 accounted for. Overall, the style presents a compelling case for why Measure FD is necessary by using  
20 specific examples of current issues and future needs.

21 The tenor of the Mailer is urgent and reflects the pressing need for additional resources. The  
22 Mailer positively associates the proposed measure with the benefits for the community. The Mailer  
23 stresses the public and individual harm of an underfunded fire department and strongly implies that  
24 they can only be corrected with the passage of Measure FD. Overall, the tenor projects a vision of more  
25 people dying in medical emergencies and wildfires running rampant unless Measure FD is passed.

26 The timing of the Mailer being within one month of the March 3, 2020 ballot intimately ties  
27 them together. The timing suggests a strategic attempt to align the proposed benefits with the upcoming  
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1 election to garner support. By presenting this information in advance of the election, the Mailer aims to  
2 build support and inform voters about the specific needs and benefits associated with Measure FD.

3 The text does not use overly inflammatory or argumentative language, yet it is not merely an  
4 informative presentation of the facts. Instead, it persuasively focuses on presenting facts and a clear  
5 plan for addressing the issues. It makes an argument for the tax increase by detailing the deficiencies in  
6 current equipment and staff and linking the proposed benefits directly to the voter’s livelihood and  
7 safety, which is a logical and reasoned approach rather than a confrontational one. Therefore, the text is  
8 argumentative without using particularly inflammatory words.

9 The Mailer is effective in making a persuasive appeal by clearly outlining the problems,  
10 proposed solutions, and benefits of the funding (e.g. “Measure FD will assist your local fire  
11 department: LA County Fire.”). The Mailer addresses potential concerns about fiscal accountability  
12 upfront, which can help to build trust with voters (e.g. the Independent Citizens’ Oversight). The text is  
13 designed to persuade local voters of the need for significant improvements to the fire department  
14 through a local tax increase. It effectively combines a presentation of current issues, proposed  
15 solutions, and measures for accountability to create a compelling case for the investment in LACFD.  
16 The style is informative and persuasive, and the tenor is positive and future-focused, aiming to build  
17 support and trust among voters.

18 Given the style, tenor, and timing of the Mailer, it unambiguously urged a vote in support of  
19 Measure FD.

20 LACFD incurred \$343,494 in total costs to print and distribute approximately 960,000 copies of  
21 the Mailer that unambiguously urged the passage of Measure FD. LACFD retained TBWBH Strategies,  
22 a strategy and communications consulting firm specializing in public finance ballot measures, to handle  
23 creating and distributing the Mailer. Despite LACFD qualifying as a committee (see below), the Mailer  
24 failed to display a proper advertisement disclosure statement. However, the mailing was clearly sent by  
25 LACFD, as it prominently showed LACFD’s name and logo.

26 **Video and Radio Ads**

1 On or about February 12, 2020, LACFD paid \$618,184 for video advertisements and \$302,249  
2 for radio advertisements in support of Measure FD that aired from January 20, 2020 to February 21,  
3 2020. The transcript of the ads is as follows, “Los Angeles County now has longer fire seasons with  
4 faster moving, intense wildfires. 911 medical emergencies are up 50% over ten years, but paramedic  
5 squads have increased only 5%. Measure FD is a six cent per square foot parcel tax to hire and train  
6 more local firefighter paramedics, upgrade aging communication tools, firefighter safety gear, and  
7 lifesaving rescue equipment. Measure FD is LA County Fire's first funding measure since 1997. Learn  
8 more about Measure FD. Paid for by LA County Fire.”

9 While the ads do not explicitly advocate for Measure FD, the style, tenor, and timing of the ads  
10 unambiguously urge support for Measure FD. The style is informational and provides factual data  
11 regarding fire seasons, emergency call increases, and funding gaps. However, the style is closer to what  
12 might be expected of a government agency communication regarding public safety issues, rather than  
13 strictly providing information about Measure FD. As a result, there is a tone of urgency and one-  
14 sidedness. The ads present the benefits of Measure FD (e.g., more firefighter paramedics, safety  
15 upgrades), without acknowledging potential downsides or opposing views. This skews the ads toward  
16 encouraging support for the measure. The ads reference current and urgent problems (wildfires,  
17 emergency response gaps) that make the timing relevant to an ongoing election. Timing close to an  
18 election raises concerns that the ads were designed to influence voters.

19 The Board approved a special appropriation adjustment in the amount of \$2,000,000 from the  
20 Obligated Fund Balance Committee for Infrastructure Growth to the Services and Supplies  
21 appropriation within the Fire District’s Executive Budget Unit.

22 No exemptions are applicable here. The ads are not a public meeting announcement, internal  
23 report, or voter pamphlet argument. Nor do the ads appear to be a view presented at the request of an  
24 organization.

25 Payment for the Mailer and ads qualified LACFD as an independent expenditure committee,  
26 subjecting LACFD’s ads to the Act’s advertisement disclosure provisions. Here, the ads failed to  
27 contain the proper advertisement disclosure statement because LACFD did not file a Form 461 and thus  
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1 the committee name requirement could not be satisfied. However, the ads were clearly identified as  
2 being paid for by LACFD, as they contained the disclosure, “Paid for by LA County Fire.”

3  
4 **Social Media and Website**

5 LACFD paid \$3,600 on January 3, 2020 to promote the above-referenced radio and television  
6 ads on social media. The social media accounts, such as LACFD’s Twitter and Facebook, did not  
7 contain the proper disclosures of “Ad paid for by” followed by the committee’s name on the landing  
8 pages. Furthermore, LACFD failed to include the proper disclosure of “Paid for by” followed by the  
9 committee’s name on LACFD’s website (wearelacountyfire.org) (“Exhibit B”) that hosted the text and  
10 images similar to the Mailer.

11 **Campaign Filings**

12 LACFD failed to timely file a semi-annual campaign statement (Form 461) for the reporting  
13 period of January 1, 2020 to June 30, 2020, despite qualifying as an independent expenditure  
14 committee upon making a \$3,600 independent expenditure on or around January 3, 2020. The deadline  
15 for filing the above Form 461 was July 31, 2020 and the total amount reported should have included at  
16 least \$1,467,527 in independent expenditures as listed below.

17 Additionally, LACFD failed to timely file 24-hour Independent Expenditure Reports (Form  
18 496) for independent expenditures. Namely, LACFD failed to timely file a Form 496 for the \$3,600  
19 independent expenditure made on or around January 3, 2020, by the January 4, 2020 deadline. LACFD  
20 failed to timely file a Form 496 for a \$302,249 independent expenditure made on or around February  
21 12, 2020, by the February 13, 2020 deadline. LACFD failed to timely file a Form 496 for a \$343,494  
22 independent expenditure made on or around February 12, 2020, by the February 13, 2020 deadline.  
23 LACFD failed to timely file a Form 496 for a \$618,184 independent expenditure made on or around  
24 February 12, 2020, by the February 13, 2020 deadline. LACFD failed to timely file a Form 496 for a  
25 \$200,000 independent expenditure made on or around February 13, 2020, by the February 14, 2020  
26 deadline.

27 **VIOLATIONS**

1 Count 1: Prohibited Campaign-Related Mass Mailing Sent at Public Expense

2 LACFD sent a prohibited campaign-related mass mailing at public expense on or around  
3 February 12, 2020, in violation of Government Code Section 89001 and Regulation 18901.1.

4 Count 2: Failure to Include Proper Disclosure on Campaign Advertisements

5 LACFD failed to include a proper advertising disclosure on the mailers referenced as “Mailer  
6 #1” which was sent on or around February 12, 2020, in violation of Government Code Section 84502.

7 Count 3: Failure to Include Proper Disclosure on Campaign Advertisements

8 LACFD failed to include a proper advertising disclosure on the radio ads which were paid for  
9 on or around February 12, 2020, in violation of Government Code Sections 84502 and 84504.

10 Count 4: Failure to Include Proper Disclosure on Campaign Advertisements

11 LACFD failed to include a proper advertising disclosure on the video ads which were paid for  
12 on or around February 12, 2020, in violation of Government Code Sections 84502 and 84504.1.

13 Count 5: Failure to Include Proper Disclosure on Campaign Advertisements

14 LACFD failed to include a proper advertising disclosure on social media ads which were paid  
15 for on or around January 3, 2020, in violation of Government Code Sections 84502 and 84504.3.

16 Count 6: Failure to Include Proper Disclosure on Campaign Advertisements

17 LACFD failed to include a proper advertising disclosure on a website which was paid for on or  
18 around January 3, 2020, in violation of Government Code Sections 84502 and 84504.6.

19 Count 7: Failure to Timely File Semi-annual Campaign Statement

20 LACFD failed to timely file a Form 461 for the \$1,467,527 in independent expenditures for the  
21 reporting period of January 1, 2020 to June 30, 2020, in violation of Government Code Section 84200,  
22 subdivision (b).

23 Count 8: Failure to Timely File 24-Hour Independent Expenditure Report

24 LACFD failed to timely file a Form 496 for the \$3,600 independent expenditure made on or  
25 around January 3, 2020, in violation of Government Code Section 84204.

26 Count 9: Failure to Timely File 24-Hour Independent Expenditure Report

1 LACFD failed to timely file a Form 496 for the \$302,249 independent expenditure made on or  
2 around February 12, 2020, in violation of Government Code Section 84204.

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5 Count 10: Failure to Timely File 24-Hour Independent Expenditure Report

6 LACFD failed to timely file a Form 496 for the \$343,494 independent expenditure made on or  
7 around February 12, 2020, in violation of Government Code Section 84204.

8 Count 11: Failure to Timely File 24-Hour Independent Expenditure Report

9 LACFD failed to timely file a Form 496 for the \$618,184 independent expenditure made on or  
10 around February 12, 2020, in violation of Government Code Section 84204.

11 Count 12: Failure to Timely File 24-Hour Independent Expenditure Report

12 LACFD failed to timely file a Form 496 the \$200,000 independent expenditure made on or  
13 around February 13, 2020, in violation of Government Code Section 84204.

14 Count 13: Failure to Timely Report Independent Expenditure on Semi-annual Campaign Statement

15 LACFD failed to timely report a \$3,600 independent expenditure on a semi-annual campaign  
16 statement for the reporting period of January 1, 2020 to June 30, 2020, in violation of Government  
17 Code Section 84200, subdivision (b).

18 Count 14: Failure to Timely Report Independent Expenditure on Semi-annual Campaign Statement

19 LACFD failed to timely report a \$302,249 independent expenditure on a semi-annual campaign  
20 statement the reporting period of January 1, 2020 to June 30, 2020, in violation of Government Code  
21 Section 84200, subdivision (b).

22 Count 15: Failure to Timely Report Independent Expenditure on Semi-annual Campaign Statement

23 LACFD failed to timely report a \$343,494 independent expenditure on a semi-annual campaign  
24 statement for the reporting period of January 1, 2020 to June 30, 2020, in violation of Government  
25 Code Section 84200, subdivision (b).

26 Count 16: Failure to Timely Report Independent Expenditure on Semi-annual Campaign Statement  
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1 LACFD failed to timely report a \$ 618,184 independent expenditure on a semi-annual campaign  
2 statement for the reporting period of January 1, 2020 to June 30, 2020, in violation of Government  
3 Code Section 84200, subdivision (b).

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6 Count 17: Failure to Timely Report Independent Expenditure on Semi-annual Campaign Statement

7 LACFD failed to timely report a \$200,000 independent expenditure on a semi-annual campaign  
8 statement for the reporting period of January 1, 2020 to June 30, 2020, in violation of Government  
9 Code Section 84200, subdivision (b).

10 **PROPOSED PENALTY**

11 This matter consists of seventeen proposed counts. The maximum penalty that may be imposed  
12 is \$5,000 per count. Thus, the maximum penalty that may be imposed for the counts charged here is  
13 \$85,000.<sup>35</sup>

14 This matter does not qualify for the streamline program because it involves the use of public funds  
15 for campaign related purposes, a violation which is not eligible for the streamline program. Regarding  
16 the violations pertaining to the missing advertisement disclosures and the late filing of campaign  
17 statements and reports, while those may be eligible under the streamline program on their own, since  
18 they are tied to the violation involving the use of public funds, they are not eligible under the streamline  
19 program.

20 In determining the appropriate penalty for a particular violation of the Act, the Commission  
21 considers the facts of the case, the public harm involved, and the purpose of the Act. In particular, the  
22 Commission considers the factors codified in Regulation Section 18361.5(e)(1)-(8): (1) The extent and  
23 gravity of the public harm caused by the specific violation; (2) The level of experience of the violator  
24 with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission  
25 in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5)  
26 Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated

27 <sup>35</sup> See Regulation 83116, subd. (c).

1 good faith by consulting the Commission staff or any other governmental agency in a manner not  
2 constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was  
3 isolated or part of a pattern and whether the violator has a prior record of violations of the Political  
4 Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation,  
5 voluntarily filed amendments to provide full disclosure.<sup>36</sup>

6 Using public funds for a prohibited purpose carries a high degree of public harm. The nature of  
7 LACFD's violations of the Act is particularly concerning, as recognized by the California Supreme Court  
8 in *Stanson v. Mott*, where the court stated "the use of the public treasury to mount an election campaign  
9 which attempts to influence the resolution of issues which our Constitution leaves to the 'free election'  
10 of the people [sic] does present a serious threat to the integrity of the electoral process."<sup>37</sup> The use of  
11 public funds to support or oppose ballot measures is prohibited because of the public harm of taxpayer  
12 funds being used to influence the voting public's views on ballot measures. Here, LACFD advocated for  
13 the passage of a local measure using \$1,186,976 in public funds. The very same governmental entity that  
14 would benefit from the passage of Measure FD used these funds to help in strongly advocating for its  
15 passage. The Commission has expressed that in situations where the local entity may derive substantial  
16 monetary benefit, the penalty should be significant to send a strong message.

17 The Act seeks to further protect the integrity of our electoral process by ensuring that voters know  
18 who is responsible for the political advertisements that seek to influence how they cast their ballot, and  
19 the voting public is harmed when that information is not included on campaign advertisements. In this  
20 case, the public harm was caused by the mailers, radio and television, social media, and website  
21 advertisements failing to include proper advertisement disclaimers. In mitigation, the language of the  
22 advertisements clearly identified LACFD as the responsible party and therefore mitigated the harm that  
23 would have resulted from a completely anonymous advertisement.

24 The public harm inherent in campaign late-filing violations is that the public is deprived of  
25 important, time-sensitive information regarding campaign activity, which is heightened when related to

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26  
27 <sup>36</sup> Regulation 18361.5, subd. (e)(1)-(8).

<sup>37</sup> *Stanson* at 218.

1 pre-election activity and 24-Hour reporting. Here, LACFD’s failure to timely file five Form 496’s prior  
2 to the March 3, 2020 Election, and failure to timely file a Form 461, resulted in the public having limited  
3 knowledge of LACFD’s campaign activity before and after the election, including the amount of money  
4 spent.

5 Respondent contends that at the time, they believed and understood that the communications at  
6 issue were within the legal parameters established by the California Supreme Court in Vargas and by  
7 other State appellate courts that have considered these issues under the Vargas standard, but have agreed  
8 to the facts and admissions articulated in this stipulation in the interest of resolving this matter without a  
9 contested hearing.

10 The Commission also considers the penalties in prior cases with comparable violations.  
11 Furthermore, at the February 18, 2021, Commission Meeting, the Commission directed the Enforcement  
12 Division to pursue penalties at or above 90 percent of the maximum penalty when governmental agencies,  
13 like LACFD, engage in campaigning at public expense. Some recent similar cases include the following:

14 *In the Matter of City of Garden Grove and Scott Stiles*, FPPC No. 2018-01357 (The Commission  
15 approved a stipulated decision in October 2023). Garden Grove and sent 32,000 copies of an identical  
16 and prohibited campaign related mass mailing at public expense at a total cost of \$1,526 which  
17 unambiguously urged the passage of local tax Measure O, in violation of Sections 89001, 84502, 84504.2,  
18 84204, and 84200. The four count stipulation charged a total of \$18,000, for sending a prohibited mass  
19 mailing at public expense, improper advertisement disclosures on the mailer, failure to timely file a 24-  
20 Hour report, and failure to timely file a semi-annual campaign statement for \$4,500 each.

21 As in *Garden Grove*, LACFD here improperly used public funds to mount a campaign in support  
22 of Measure FD and distributed a mailing, radio, television, website, and social media without proper  
23 advertisement disclosures and failed to timely file campaign statements and reports. The Commission  
24 has expressed a strong desire for these types of violations to be charged at or above 90% of the maximum  
25 penalty of \$5,000 per count. In particular, and as noted above, the most recent case, *Garden Grove*,  
26 resulted in a fine of \$4,500 for each violation. However, while Garden Grove sent 32,000 mailers at a  
27

1 cost of \$1,1526, LACFD sent 960,000 and spent a total of \$1,782,577 campaigning for Measure FD.  
2 Therefore, a higher penalty per count is recommended here.

3 Neither the Respondents nor their counsel contacted the Commission seeking advice pertaining  
4 to the regulations affecting public mailers and any required filings. There is no prior record of any similar  
5 violations against LACFD.

6 As part of the negotiated settlement, corrective campaign reports and statements have been filed  
7 now to provide full disclosure. Additionally, LACFD was cooperative during the investigation, and their  
8 intent was to resolve the matter expeditiously.

9 For the foregoing reasons and considering the seriousness of the violations, while considering the  
10 mitigating factors, and the direction mandated by the Commission, a penalty of \$5,000 for Counts 1  
11 through 17 are recommended, for a total penalty in the amount of \$85,000.

## 12 CONCLUSION

13 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
14 Respondents LACFD hereby agree as follows:

15 1. LACFD, as indicated in the respective counts, violated the Act as described in the  
16 foregoing pages which are a true and accurate summary of the facts in this matter.

17 2. This stipulation will be submitted for consideration by the Fair Political Practices  
18 Commission at the next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

19 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose  
20 of reaching a final disposition without the necessity of holding an administrative hearing to determine  
21 the liability of LACFD pursuant to Section 83116.

22 4. LACFD have consulted with their attorney, Gary Winuk, and understand, and hereby  
23 knowingly and voluntarily waive, all procedural rights set forth in Sections 83115.5, 11503, 11523, and  
24 Regulations 18361.1 through 18361.9. This includes but is not limited to the right to appear personally  
25 at any administrative hearing held in this matter, to be represented by an attorney at LACFD's own  
26 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to  
27

1 testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing  
2 officer, and to have the matter judicially reviewed.

3 5. LACFD agrees to the issuance of the decision and order set forth below. Also, LACFD  
4 agrees to the Commission imposing against them an administrative penalty in the amount of \$85,000. A  
5 cashier's check or money orders totaling said amount—to be paid to the General Fund of the State of  
6 California—is/are submitted with this stipulation as full payment of the administrative penalty described  
7 above, and same shall be held by the State of California until the Commission issues its decision and  
8 order regarding the matter. In addition, as part of the settlement, LACFD agrees to file all necessary  
9 statements and reports as mandated by law to provide full disclosure of the activities.

10 6. If the Commission declines to approve this stipulation—then this stipulation shall become  
11 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
12 rejected, all payments tendered by LACFD in connection with this stipulation shall be reimbursed to  
13 LACFD. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before  
14 the Commission becomes necessary, neither any member of the Commission, nor the Executive Director,  
15 shall be disqualified because of prior consideration of this Stipulation.

16 7. The parties to this agreement may execute their respective signature pages separately. A  
17 copy of any party's executed signature page including a hardcopy of a signature page transmitted via fax  
18 or as a PDF email attachment is as effective and binding as the original.

19 Dated: \_\_\_\_\_  
20 Kendall L.D. Bonebrake, Chief of Enforcement  
21 Fair Political Practices Commission

22 Dated: \_\_\_\_\_  
23 Jon O'Brien, Chief Deputy of Emergency Operations  
24 County of Los Angeles Fire Department

1 The foregoing stipulation of the parties “In the Matter of Los Angeles County Fire Department,” FPPC  
2 No. 2021-00292, is hereby accepted as the final decision and order of the Fair Political Practices  
3 Commission, effective upon execution below by the Chair.

4  
5 IT IS SO ORDERED.

6  
7 Dated: \_\_\_\_\_

\_\_\_\_\_ Adam E. Silver, Chair  
8 Fair Political Practices Commission  
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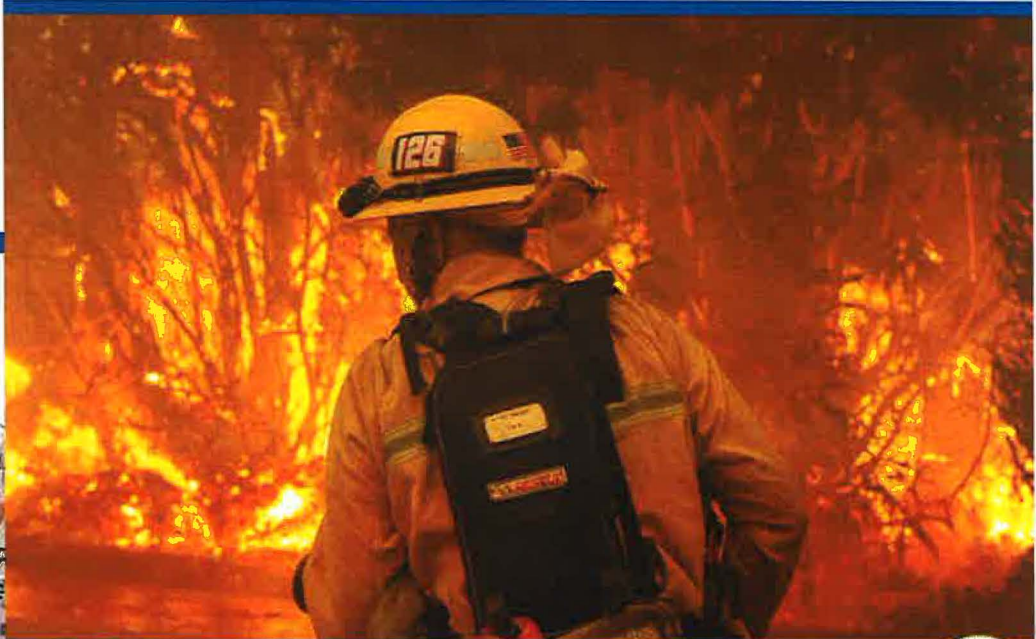


Los Angeles County Fire Department  
 1320 N. Eastern Ave.  
 Los Angeles, CA 90063

Post. Std.  
 U.S. Postage  
**PAID**  
 TBW

## What Can the Measure FD Parcel Tax Do to Protect Public Safety?

Read inside to learn more or visit [WeAreLACountyFire.org](http://WeAreLACountyFire.org)



Information for Voters About Measure FD  
 LA County Fire Parcel Tax for Local Firefighter/Paramedics



# About Measure FD

Measure FD provides additional firefighters / paramedics and other resources for local 911 fire and emergency medical response and rescue.



## Outdated Communication Systems

LA County Fire's communication systems, including emergency response, lifesaving protection and rescue, date back nearly three decades and are incompatible with wireless networks and other modern digital systems.



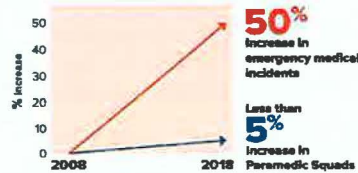
## Outdated Rescue Equipment

Some fire engines and medical emergency and rescue vehicles are more than 20 years old and costly to repair and maintain.



## More Fast Moving, Extreme Wildfires

Longer fire seasons and increased 911 calls are increasing demand on a limited number of firefighters and paramedics.



# Measure FD Will Assist Your Local Fire Department: LA County Fire

## LA County Fire Is Your Local Fire Department

Measure FD is a 6 cent/square foot tax on parcel Improvements, as assessed by the county, excluding parking and garages, to fund local fire protection and emergency medical response for LA County Fire.

### Measure FD Funds Would Be Used to:

- Increase the number of paramedics available to respond to medical emergencies
- Increase the number of firefighters available to respond to house fires and wildfires
- Replace 30-year-old communications equipment
- Replace aging firefighter safety gear, like breathing devices, jackets and helmets
- Provide specialized vehicles, aircraft and equipment for fighting wildfires
- Provide and upgrade lifesaving rescue equipment, including thermal imaging cameras

### Independent Citizens' Oversight to Ensure Fiscal Accountability

Measure FD would require all funds be used to support local fire protection and emergency medical response, with independent citizens' oversight and annual expenditure reports published online and made available at neighborhood fire stations. Revenue generated by the special tax shall not be used for unfunded pension liabilities. You can read the full text of Measure FD in your voter pamphlet, or by visiting [WeAreLACountyFire.org](http://WeAreLACountyFire.org).



SAMPLE BALLOT

LOS ANGELES COUNTY FIRE DISTRICT  
911 FIREFIGHTER/PARAMEDIC  
EMERGENCY RESPONSE MEASURE FD

*"Shall an ordinance ensuring local firefighters/paramedic emergency response, involving house fires, wildfires, heart attacks, strokes, and car accidents, to hire/train firefighter/paramedics, upgrade/replace aging firefighter safety equipment, vehicles, facilities, life-saving rescue tools, and emergency communications technology, by levying 6 cents per square foot of certain parcel improvements, providing \$134 million annually, limited to 2% annual adjustment, and voted by voters, exempting low income owners, with independent citizens oversight, be adopted?"*

YES  
 NO

# We Are Los Angeles County Fire



[CLICK HERE TO TAKE OUR SURVEY!](#)

## L.A. County Fire is Your Local Fire Department.

From neighborhood fire stations, L.A. County firefighters and paramedics respond to 911 emergencies at local homes and businesses in your community.



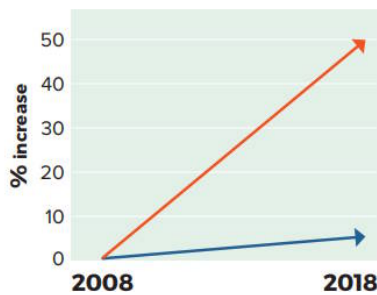
### Additional Resources Needed for Local 911 Fire and Emergency Medical Response and Rescue

#### Outdated Communication Systems

L.A. County Fire's communication systems, including emergency response, lifesaving protection and rescue, date back nearly three decades and are incompatible with wireless networks and other modern digital systems.

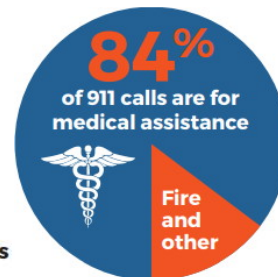
#### Outdated Rescue Equipment

Some fire engines, medical emergency and rescue vehicles are more than 20 years old and costly to repair and maintain.



**50%**  
Increase in emergency medical incidents

Less than **5%** Increase in Paramedic Squads



## Survey

Whether responding to 911 emergencies at local homes and businesses or battling wildland fires, L.A. County firefighters and paramedics are working 24 hours a day to protect our communities and save lives.

**As we plan for the future, your input is important to us.**

**Name**  
Please enter your name \_\_\_\_\_

**Organization**  
Please enter your organization name \_\_\_\_\_

**Address**  
Please enter your street address \_\_\_\_\_

**Phone Number**  
Please enter your phone number \_\_\_\_\_

**Email**  
Please enter your email address \_\_\_\_\_

**Have you ever called 911?**  
If so, please tell us about your experience  
\_\_\_\_\_/

**Other comments or questions?**  
If so, please leave your feedback here  
\_\_\_\_\_/

Please rate each of the following items in importance, on a scale from 1 to 5. It's OK to give the same rating to more than one of the items.

**1 = Lowest Importance To You**

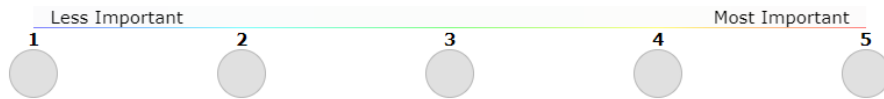
**5 = Highest Importance To You**

**Provide local firefighters and paramedics with critical resources for response to 911 medical emergencies, wildland fires and other natural disasters by taking these actions:**



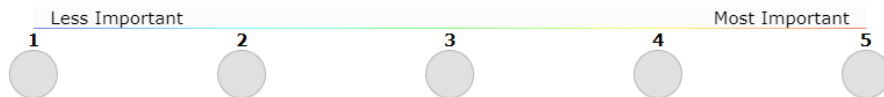
### On Duty

Increase the number of firefighter/paramedics on duty



### Paramedic Response

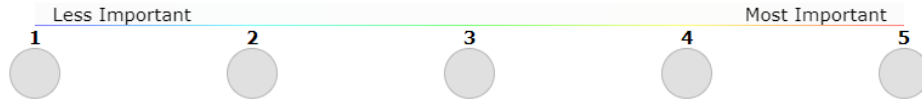
Increase the number of available paramedic units, equip them with lifesaving equipment, including medicine to fight allergic reactions and overdoses, and communications systems that can reach emergency rooms while patients are in transport.





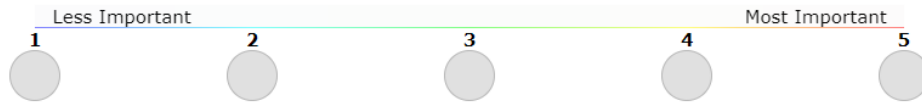
### Emergency Communications

Replace firefighter and paramedic communications equipment, including radios, 911 dispatch center computer technology and real-time mapping software with updated equipment to improve response times and public alerts, including evacuations



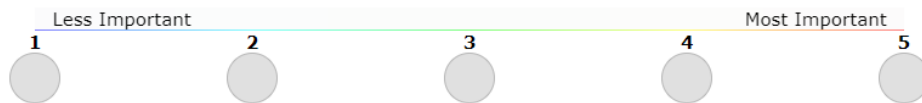
### Rescue Tools

Upgrade or replace emergency response tools and equipment utilized by firefighters and paramedics like breathing apparatus, defibrillators, Jaws of Life and thermal imaging cameras



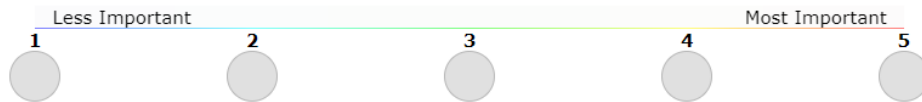
### Firefighter Safety Equipment

Replace old breathing devices, protective clothing and equipment used by firefighters



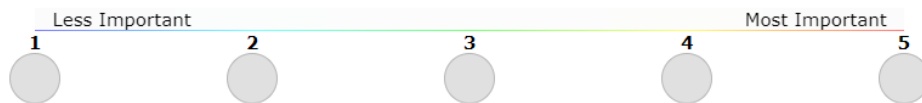
### Fighting House Fires

Ensure local firefighters have the proper operating vehicles and equipment to effectively fight house fires, protect businesses and other structures



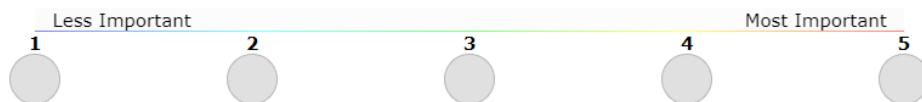
### Old Fire Stations

Update outdated neighborhood fire stations that cannot house up-to-date fire engines and other lifesaving vehicles and equipment



### Fight Wildland Fires

Provide vehicles, aircraft, and equipment firefighters need to prepare for and battle wildland fires



### Household Evacuation

Do you have a person in your household who is at risk of medical emergency or would need help evacuating?

No

Yes

SUBMIT SURVEY



## Questions and Answers

L.A. County Fire is your local fire department. From your neighborhood fire stations, L.A. County firefighters and paramedics respond to 911 emergencies at local homes and businesses in your community.

The Department has a rich and unique history, which is full of innovation, and daring accomplishments. From initiating the paramedic program in the 1970s to the current day Urban Search and Rescue and Homeland Security sections, our fire department is a leader and a model to fire departments around the world.

Today, we are facing new challenges with a growing demand for medical emergency services and extreme weather patterns increasing the risk of fire, flood, and other disasters. As we plan for the future, we welcome your feedback and questions.

**Please click on a question below to see the answer.**

**What communities does L.A. County Fire serve?**

**What type of services do the majority of 911 calls require?**

**What challenges is L.A. County Fire facing for the future?**

**How will L.A. County Fire address these challenges?**

**How would additional funding be generated?**

**How are emergency services currently funded in L.A. County?**

**Does L.A. County Fire have a local funding mechanism in place now?**

**Can we rely on outside resources to support L.A. County Fire services?**

**How is L.A. County Fire working to maximize budget efficiency?**

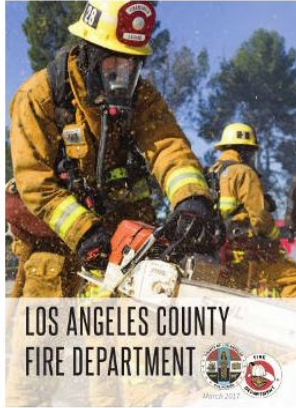
**What can we learn from the recent wildland fires to prepare for future emergencies?**

**How is the Department informing residents about the challenges it faces?**

**How can the public get more information or provide input to L.A. County Fire?**

## Downloads

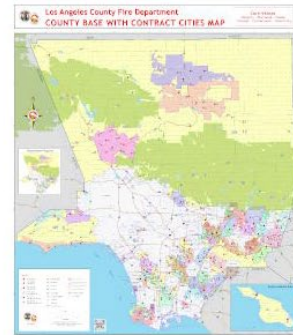
We provide several downloadable resources to help you understand the mission, environment and status of your Los Angeles County Fire Department.



Overview Booklet

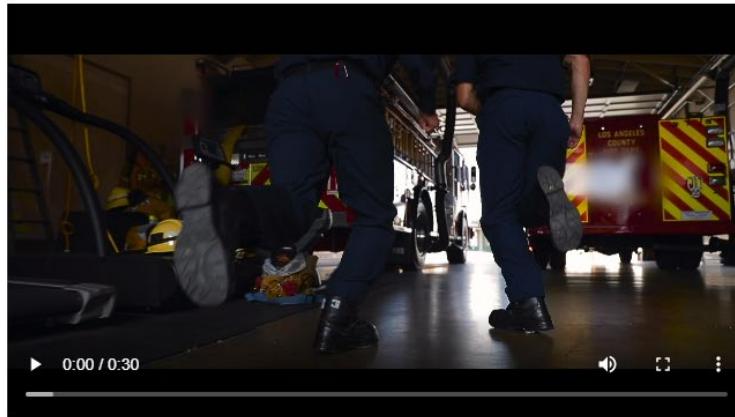


Fact Sheet

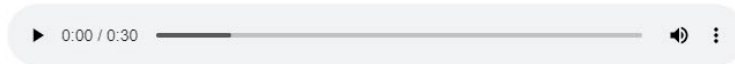


Grid Map

## Watch our Informational Ad



## Listen to our Informational Radio Spot



12/23/19



**Your input is important to us.**

**Thank you for visiting our website and taking the survey.**  
For more information contact [info@wearelacountyfire.org](mailto:info@wearelacountyfire.org)

Designed by Excitant Digital Media for The Los Angeles County Fire Department