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8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA  
11

12 In the Matter of:

FPPC No. 18/1270

13 FRIENDS OF ACTON-AGUA DULCE  
SCHOOLS YES ON MEASURE “CK”  
14 COMMITTEE, LEE JENNINGS, and  
CHRISTINE JOHNSON,

STIPULATION, DECISION, AND ORDER

15 Respondents.  
16

17 **INTRODUCTION**

18 Respondent Friends of Acton-Agua Dulce Schools Yes on Measure “CK” Committee (the  
19 “Committee”) is a primarily formed committee. Respondent Lee Jennings is the Committee’s treasurer,  
20 and Respondent Christine Johnson (“Johnson”) is the Committee’s principal officer. The Committee,  
21 Jennings, and Johnson violated the Political Reform Act (the “Act”)<sup>1</sup> by failing to timely file 24-hour  
22 contribution reports for six late contributions and failing to include proper disclosures on an electronic  
23 media advertisement and seven print advertisements.

24 **SUMMARY OF THE LAW**

25 The violations in this case occurred in 2018, and all legal references and discussions of law pertain  
26 to the Act’s provisions as they existed at that time.

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28 <sup>1</sup> 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.

1 Need for Liberal Construction and Vigorous Enforcement of the Act

2           When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>2</sup> Thus, it was  
4 decreed that the Act “should be liberally construed to accomplish its purposes.”<sup>3</sup> One purpose of the Act  
5 is to promote transparency by ensuring that receipts and expenditures in election campaigns are fully and  
6 truthfully disclosed so that voters are fully informed and improper practices are inhibited.<sup>4</sup> Another  
7 purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously  
8 enforced.”<sup>5</sup>

9 Primarily Formed Committee

10           One of the ways a committee qualifies as a committee under the Act is by receiving \$2,000 or  
11 more in contributions during a single calendar year.<sup>6</sup> A committee is primarily formed when it is formed  
12 or exists primarily to support or oppose a single measure.<sup>7</sup>

13 24-Hour Contribution Reports

14           A late contribution is a contribution that totals in the aggregate \$1,000 or more that is made to or  
15 received by a candidate, a controlled committee, or a primarily formed committee during the 90-day  
16 period preceding the date of the election, or on the date of the election.<sup>8</sup> Each candidate or committee  
17 that makes or receives a late contribution must report it to its filing officer within 24 hours of the time it  
18 is made or received.<sup>9</sup> When the deadline falls on a weekend or official state holiday, the filing deadline  
19 for the report is extended to the next regular business day.<sup>10</sup> The 90-day period prior to the  
20 November 6, 2018 General Election began on August 8, 2018.

21 Advertisement Disclosure

22           An advertisement is any general or public communication that is authorized and paid for by a  
23 committee for the purpose of supporting or opposing one or more candidates for elective office or one or  
24

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

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

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

28 <sup>5</sup> Section 81002, subd. (f).

<sup>6</sup> Section 82013, subd. (a).

<sup>7</sup> Section 82047.5.

<sup>8</sup> Section 82036, subd. (a).

<sup>9</sup> Section 84203.

<sup>10</sup> Regulation 18116, subd. (a).

1 more ballot measures.<sup>11</sup> A disclosure statement for an advertisement must include “Paid for by”  
2 immediately preceding the committee name as it appears on the committee’s most recent statement of  
3 organization.<sup>12</sup> For an electronic media advertisement, such as an Internet Web site paid for by a primarily  
4 formed committee, the “Paid for by” disclosure statement must be included in a contrasting color and in  
5 no less than 8 point font.<sup>13</sup> For print advertisements, these disclosures must appear in a printed or drawn  
6 box with a solid white background on the bottom of at least one page, set apart from other printed matter,  
7 with the text in a contrasting color.<sup>14</sup> Disclosures on print advertisements individually distributed,  
8 including mailers and flyers, must use text that is in Arial-equivalent type and 10-point font.<sup>15</sup>

9 Joint and Several Liability

10 Any person who violates, causes any other person to violate, or aids and abets any other person in  
11 the violation of the Act may be held jointly and severally liable, along with the committee, for violations  
12 committed by the committee.<sup>16</sup>

13 **SUMMARY OF THE FACTS**

14 Measure CK was an unsuccessful bond measure that would have permitted the Acton-Agua Dulce  
15 Unified School District to issue up to \$7.5 million in general obligation bonds. Measure CK failed with  
16 57.99 percent of votes against it.

17 The Committee was primarily formed to support the passage of Measure CK and qualified as a  
18 committee on September 21, 2018 when it received \$2,000 in contributions. During the period of  
19 January 1, 2018 through December 31, 2018, the Committee received \$10,600.00 in total contributions  
20 and made \$7,488.45, in total expenditures, including accrued expenses.

21 24-Hour Contribution Reports

22 Since the Committee qualified within the 90 days prior to the election, all contributions of \$1,000  
23 or more received by the Committee should have been reported on 24-hour contribution reports. The

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26 <sup>11</sup> Section 84501.

27 <sup>12</sup> Section 84502, subd (a).

28 <sup>13</sup> Section 84504.3, subd. (c).

<sup>14</sup> Section 84504.2, subd. (a)(1).

<sup>15</sup> Section 84504.2, subd. (a)(2).

<sup>16</sup> Sections 83116.5 and 91006.

1 following chart shows the six late contributions that were not timely disclosed on 24-hour contribution  
 2 reports by the Committee, Jennings, and Johnson:

<b>Date Received</b>	<b>Contributor</b>	<b>Amount</b>	<b>Due Date</b>
September 21, 2018	Voss Properties, Inc.	\$1,000.00	September 24, 2018
September 28, 2018	TDM Architects, Inc.	\$3,000.00	October 1, 2018
October 1, 2018	Stephen Payte DSA Inspections, Inc.	\$1,000.00	October 2, 2018
October 2, 2018	United Construction & Landscape, Inc.	\$1,000.00	October 3, 2018
October 2, 2018	JT Engineering	\$2,000.00	October 3, 2018
November 1, 2018	Atkinson, Andelson, Loya Ruud & Romo	\$1,000.00	November 2, 2018
<b>Total:</b>		<b>\$9,000.00</b>	

10 All but one late contribution received by the Committee, Jennings, and Johnson were disclosed  
 11 prior to the election on the pre-election campaign statement for the reporting period ending on  
 12 October 20, 2018. The \$1,000 late contribution received on November 1, 2018 from Atkinson, Andelson,  
 13 Loya, Rudd & Romo was correctly reported on a semi-annual campaign statement for the reporting period  
 14 ending on December 31, 2018.

15 Advertisement Disclosures

16 In October and November 2018, the Committee, Jennings, and Johnson paid for several  
 17 advertisements to support Measure CK, but each of the advertisements did not include proper  
 18 advertisement disclosures as required by the Act. The Committee, Jennings, and Johnson purchased a  
 19 website that failed to include a “Paid for by” disclosure statement.

20 The following chart shows the seven print advertisements that also failed to include proper  
 21 disclosure statements:

<b>Type</b>	<b>Quantity</b>	<b>Date</b>	<b>Amount</b>	<b>Disclosure Violations</b>
Banner	5	October 2, 2018	\$129.87	No “Paid for by” disclosure but included web address
Mailers	4,130	October 7, 2018	\$3,097.50	Disclosure was not in a white box
Flyers	500	October 15, 2018	\$246.37	No disclosure
Yard signs	100	October 17, 2018	\$329.53	No disclosure
Newspaper ad in <i>The Country Journal</i>	1	October 20, 2018	\$131.25	- Name in the “Paid for by” disclosure was different: Yes on CK Committee - Disclosure was in white box but not set apart from other printed matter

1 2 3	Newspaper ad in <i>The Country Journal</i>	1	October 27, 2018	\$131.25	- Name in the "Paid for by" disclosure was different: Yes on CK Committee - Disclosure was in white box but not set apart from other printed matter
4	Mailers	Unknown	November 5, 2018	\$2,962.41	Disclosure was not in a white box

4 **VIOLATIONS**

5 Count 1: Failure to Timely File 24-Hour Contribution Reports

6 The Committee, Jennings, and Johnson failed to timely file 24-hour contribution reports for six  
7 late contributions received between September 21, 2018 and November 1, 2018, totaling \$9,000, in  
8 violation of Government Code Section 84203.

9 Count 2: Failure to Comply with Disclosure Requirements for Political Advertisements

10 The Committee, Jennings, and Johnson failed to include the necessary disclosures on one  
11 electronic media advertisement and seven print advertisements, in violation of Government Code Sections  
12 84502, subdivision (a), 84504.2, and 84504.3, subdivision (c).

13 **PROPOSED PENALTY**

14 This matter consists of two counts. The maximum penalty that may be imposed is \$5,000 per  
15 count. Thus, the maximum total penalty that may be imposed is \$10,000.

16 In determining the appropriate penalty for a particular violation of the Act, the Commission  
17 considers the facts of the case, the public harm involved, and the purpose of the Act. Also, the Commission  
18 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention  
19 to conceal, deceive, or mislead; (c) whether the violation was deliberate, negligent, or inadvertent; (d)  
20 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily  
21 were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.<sup>17</sup>

22 These violations resulted in delayed transparency for the public regarding the late contributions  
23 received by the Committee and zero to partial disclosure regarding who paid for the Committee's  
24 advertisements. However, the Enforcement Division did not find evidence of any intention to conceal,  
25 deceive, or mislead, particularly since the Committee, Jennings, and Johnson cooperated fully with the  
26 Enforcement Division's investigation and filed corrective amendments voluntarily. The violations were  
27 negligent and isolated occurrences. The Committee, Jennings, and Johnson contend that mistakes were  
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<sup>17</sup> Regulation 18361.5, subd. (d).

1 made due to their unfamiliarity with the Act. Finally, the Committee, Jennings, and Johnson do not have  
2 prior enforcement history.

3 The Commission also considers penalties in prior cases with comparable violations. Recent cases  
4 with similar violations include the following:

5 Count 1

6 *In the Matter of Inland Farmers Political Alliance, Jessica MacKenzie, and Deborah Tharp*; FPPC  
7 No. 17/1222. (The Commission approved a stipulated agreement on April 16, 2020.) Respondents failed  
8 to timely file a 24-hour contribution report for a loan of \$7,600, which was not disclosed until after the  
9 election. Respondents raised and spent over \$40,000. In mitigation, they largely complied with the  
10 requirements of the Act, and the three measures they supported were all unsuccessful. Enforcement also  
11 considered other violations that were not charged for settlement purposes but were considered aggravating  
12 factors when taken as a whole. These other violations included failure to timely file a pre-election  
13 campaign statement (5 days late) and semi-annual campaign statement (56 days late), failure to timely  
14 report some contributions and expenditures, failure to keep records with respect to accepting cash  
15 contributed to a “donation can,” and accepting two money orders of \$700 each. However, Respondents  
16 timely reported the loan on a semi-annual campaign statement filed after the election and timely filed five  
17 other 24-hour reports. The Commission approved a penalty of \$1,500 for failure to timely file a 24-hour  
18 contribution report for the \$7,600 loan.

19 Like *Inland Farmers*, the Committee, Jennings, and Johnson were unsuccessful in their campaign  
20 to support Measure CK. Unlike *Inland Farmers*, the Committee, Jennings, and Johnson failed to timely  
21 file 24-hour contribution reports for six late contributions totaling \$9,000; did not timely file any 24-hour  
22 contribution reports; and raised a little over \$10,000. In mitigation, the Committee, Jennings, and Johnson  
23 disclosed all of the late contributions except one on a pre-election campaign statement filed prior to the  
24 election and paid \$390 in late fines to the Los Angeles County Registrar-Recorder. In aggravation, the  
25 Committee, Jennings, and Johnson failed to timely file a pre-election campaign statement (8 days late)  
26 and two semi-annual campaign statements (38 and 41 days late). The pre-election campaign statement  
27 was filed prior to the election, and the two semi-annual campaign statements showed minimal campaign

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1 activity. Because six late contributions were not timely filed, a penalty of \$2,000 is recommended for this  
2 case.

3 Count 2

4 *In the Matter of Committee in Support of Measure G 2018 and Michele Perrault*; FPPC No.  
5 18/443. (The Commission approved a stipulated agreement on October 18, 2019.) Respondents paid for  
6 many advertisements, including yard signs, mailers, flyers, and electronic ads, all in support of an  
7 unsuccessful ballot measure. The mailers, flyers, and electronic ads failed to identify the Committee by  
8 its correct name. Additionally, the mailers and flyers failed to print the disclosures in the appropriate size  
9 font, and the electronic ads failed to include the required “Who funded this ad?” hyperlink. Furthermore,  
10 the yard signs and large signs failed to include any disclosure. When Enforcement contacted the  
11 Committee about the disclosure violations, the Committee added corrective stickers to the yard signs and  
12 large signs to include the correct disclosure statement. The Committee received \$10,600 in contributions  
13 and made \$8,513.07 in expenditures. The Commission approved a penalty of \$3,000 for failure to comply  
14 with disclosure requirements for political advertisement.

15 Like *Measure G*, the Committee, Jennings, and Johnson paid for a variety of advertisements. The  
16 flyers and yard signs failed to include any disclosure, but the remaining advertisements included some  
17 disclosure. Additionally, the Committee, Jennings, and Johnson received and made similar amounts in  
18 contributions and expenditures. Unlike *Measure G*, the Committee, Jennings, and Johnson did not have  
19 an opportunity to make corrective amendments to their advertisements. Due to these similarities, the same  
20 penalty is recommended for this case

21 Based on the foregoing, the following penalty is recommended:

Count #	Violation	Penalty Amount
1	Failure to Timely File 24-Hour Contribution Reports	\$2,000
2	Failure to Comply with Disclosure Requirements for Political Advertisements	\$3,000
	<b>Total:</b>	<b>\$5,000</b>

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1 **CONCLUSION**

2 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
3 Respondents, Friends of Acton-Agua Dulce Schools Yes on Measure “CK” Committee, Lee Jennings,  
4 and Christine Johnson, hereby agree as follows:

5 1. Respondents violated the Act as described in the foregoing pages, which are a true and  
6 accurate summary of the facts in this matter.

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

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

12 4. The Respondents understand, and hereby knowingly and voluntarily waive, any and all  
13 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.  
14 This includes, but is not limited to the right to appear personally at any administrative hearing held in this  
15 matter, to be represented by an attorney at the Respondents’ own expense, to confront and cross-examine  
16 all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial  
17 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially  
18 reviewed.

19 5. The Respondents agree to the issuance of the decision and order set forth below. Also, the  
20 Respondents agree to the Commission imposing against it an administrative penalty in the amount of  
21 \$5,000. One or more cashier’s checks or money orders totaling said amount—to be paid to the General  
22 Fund of the State of California—is/are submitted with this stipulation as full payment of the administrative  
23 penalty described above, and same shall be held by the State of California until the Commission issues its  
24 decision and order regarding the matter.

25 6. If the Commission declines to approve this stipulation—then this stipulation shall become  
26 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
27 rejected, all payments tendered by the Respondents in connection with this stipulation shall be reimbursed  
28 to the Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing



1 before the Commission becomes necessary, neither any member of the Commission, nor the Executive  
2 Director, shall be disqualified because of prior consideration of this Stipulation.

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

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8 Dated: \_\_\_\_\_  
9 Galena West, Chief of Enforcement  
10 Fair Political Practices Commission

11 Dated: \_\_\_\_\_  
12 Lee Jennings, individually and on behalf of Friends of  
13 Acton-Agua Dulce Schools Yes on Measure "CK"  
14 Committee

15 Dated: \_\_\_\_\_  
16 Christine Johnson, individually and on behalf of Friends  
17 of Acton-Agua Dulce Schools Yes on Measure "CK"  
18 Committee

1           The foregoing stipulation of the parties “In the Matter of Friends of Acton-Agua Dulce Schools  
2 Yes on Measure “CK” Committee, Lee Jennings, and Christine Johnson,” FPPC No. 18/1270, is hereby  
3 accepted as the final decision and order of the Fair Political Practices Commission, effective upon  
4 execution below by the Chair.

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6 IT IS SO ORDERED.

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8           Dated: \_\_\_\_\_

\_\_\_\_\_ Richard C. Miadich, Chair  
Fair Political Practices Commission