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

11 In the Matter of:

12 **SAVE OPEN SPACE &**
13 **AGRICULTURAL RESOURCES, INC.**
14 **(A CONTROLLED COMMITTEE BY**
15 **VENTURA COUNTY SUPERVISORS**
16 **STEVE BENNETT AND LINDA**
17 **PARKS),**

Respondent.

FPPC Case No. 16/19636

STIPULATION, DECISION AND ORDER

18 **INTRODUCTION**

19 Respondent Save Open Space & Agricultural Resources, Inc. (A controlled committee by Ventura
20 County Supervisors Steve Bennett and Linda Parks) (the “Committee”) is a general purpose ballot measure
21 committee. The Political Reform Act (the “Act”)¹ requires ballot measure committees to include a
22 disclosure statement on advertisements identifying the committee by name as the source of the
23 advertisement. The name of any committee controlled by a candidate must include the name of that
24 candidate. The Committee violated the Act by failing to include a proper advertisement disclosure on
25 electronic advertisements.
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27 _____
28 ¹ 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 18110 through 18997 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 **SUMMARY OF THE LAW**

2 All legal references and discussions of law pertain to the Act’s provisions as they existed at that
3 time.

4 Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

5 When enacting the Act, the people of California found and declared that previous laws regulating
6 political practices suffered from inadequate enforcement by state and local authorities.² For this reason,
7 the Act is to be construed liberally to accomplish its purposes.³ Another purpose of the Act is to provide
8 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁴

9 Controlled Committee

10 A candidate controls a committee if the candidate has significant influence on the actions or
11 decisions of the committee.⁵ A candidate-controlled committee must include the name of the candidate in
12 the committee’s name.⁶

13 Advertising Disclosure

14 An “advertisement” under the Act includes any general or public advertisement which is authorized
15 or paid for by a person or committee for the purpose of supporting or opposing one or more ballot
16 measure(s).⁷ “Advertisement” includes electronic media consisting of a logo, icon, writing, image,
17 recording or other data displayed electronically on a webpage.⁸

18 Any committee that supports or opposes a ballot measure must print or broadcast its name as part
19 of the advertisement.⁹ The phrase “paid for by” must appear adjacent to the committee name.¹⁰ For
20 electronic media advertisements, the committee name disclosure must be clear and conspicuous.¹¹

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23 _____
24 ² § 81001, subd. (h).

25 ³ § 81003.

26 ⁴ § 81002, subd. (f).

27 ⁵ § 82016, subd. (a).

28 ⁶ § 84102, subd. (e).

⁷ Former § 84501.

⁸ Reg. §18450.1, subd. (a)(2)(A).

⁹ Former §84504, subd. (c).

¹⁰ Reg. § 18450.4, subd. (b).

¹¹ Reg. §18450.4, subd. (b)(1)(G).

1 **SUMMARY OF THE FACTS**

2 Background

3 The Committee has existed since 1997. It is the campaign committee for the Save Open Space and
4 Agricultural Resources, Inc. (“SOAR”) organization in Ventura County which is dedicated to preserving
5 agricultural and open space. It authors and supports ballot measures in various Ventura County
6 jurisdictions aimed at preventing urban sprawl by requiring voter approval for zoning changes that would
7 allow development of open space.

8 Controlling Candidates

9 Steve Bennett has been a Supervisor on the Ventura County Board of Supervisors since 2000. He
10 was most recently re-elected in the June 2016 Primary Election. Bennett was a co-author of SOAR’s first
11 initiative in 1995 in the City of Ventura. Bennett was first identified as a controlling candidate of the
12 Committee in October of 2002 on an amended Statement of Organization (Form 410).¹² The Form 410
13 also identified Linda Parks as a controlling candidate of the Committee. Parks has been a Supervisor on
14 the Ventura County Board of Supervisors since 2002. She was most recently reelected in 2014.

15 In 2007, the Committee filed a Form 410 that deleted the controlling candidates. In December of
16 2015, the Committee filed another Form 410 which identified Bennett as the Committee’s principal officer
17 but did not identify any controlling candidates. After the complaint was filed in this case, the Committee
18 filed a Form 410 on October 31, 2016 identifying Bennett and Parks as controlling candidates. That Form
19 410 also amended the Committee name to identify Bennett and Parks as controlling candidates. Bennett
20 and Parks acknowledge they had significant influence on the actions and decisions of the Committee
21 leading up to the 2016 General Election.

22 Committee Advertisements

23 In the 2016 General Election, the Committee supported nine ballot measures in Ventura County
24 and opposed three others. The Committee produced various advertisements leading up to the 2016 General
25 Election including print advertisements such as yard signs and mass mailings, as well as electronic
26 advertisements on its website, YouTube page, and Facebook page.

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¹² This Form 410 only listed Bennett’s first name, Steve, but it also listed his office so it was clear to whom it referred. A Form 410 filed in January of 2003 included both his first and last name.

1 Up until approximately ten days before the election, the Committee’s website, YouTube page, and
2 Facebook page did not include a disclosure statement indicating the website and webpages were paid for
3 by the Committee. The Committee updated those pages to include the disclosure soon after Enforcement
4 Division staff informed the Committee of the lack of proper disclosure. The YouTube page also had a
5 video advertisement that lacked a disclosure statement. The Committee removed the video at the same time
6 it changed the website and webpages. The disclosure statements the Committee added included reference
7 to Bennett and Parks in the Committee name. Bennett contends the website, YouTube, and Facebook pages
8 were managed by Committee volunteers who were unfamiliar with the advertising disclosure requirements
9 for electronic advertisements.

10 The Committee’s mass mailings and yard signs did include disclosure statements that identified
11 Bennett and Parks as controlling the Committee.

12 VIOLATION

13 Failure to include advertising disclosure on electronic advertisements

14 The Committee failed to include proper advertising disclosure statements on electronic
15 advertisements in violation of section 84504, subdivision (c) and regulation 18450.4, subdivision (b)(3)(G).

16 PROPOSED PENALTY

17 This matter consists of one count. The maximum penalty that may be imposed is \$5,000 per
18 count. Thus, the maximum penalty that may be imposed is \$5,000.¹³

19 In determining the appropriate penalty for a particular violation of the Act, the Commission
20 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
21 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
22 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
23 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
24 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
25 record of violations.¹⁴ The Commission considers advertising violations serious and traditionally has
26 instructed the Enforcement Division to vigorously prosecute advertising violations. In this case, the
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28 ¹³ Section 83116, subd. (c).

¹⁴ Regulation 18361.5, subd. (d).

1 violations do not appear deliberate nor is there an indication of an intent to deceive or mislead voters.
2 Further, the Committee took corrective action quickly upon being contacted by the Enforcement Division
3 and has no history of prior violations of the Act.

4 In determining the appropriate penalty in a case, the Commission considers penalties in prior
5 cases involving similar violations. *In the Matter of Yes on Prop 61, Californians for Lower Drug Prices,*
6 *With Major Funding by AIDS Healthcare Foundation and California Nurses Association PAC*, FPPC
7 Case No. 16/19686, concerned a ballot measure committee that failed to include proper disclosure on
8 electronic advertisements. In that case, the committee ran two video advertisements on YouTube that
9 identify the committee as the source of the advertisement but failed to include the name of a major donor
10 of \$50,000 or more in the advertising disclosure. Upon contact from the Enforcement Division, the
11 committee changed the disclosure statement in its videos to disclose the major donor. The Commission
12 imposed a penalty of \$2,500 for the inadequate advertisement disclosure at its meeting

13 Like the *Yes on Prop 61* case, it does not appear the Committee was attempting to conceal the
14 source of the advertisement. In both cases, the advertisements contained information about the respective
15 committees but that information was incomplete. Also, in both instances the committees fixed the
16 inadequate disclosure promptly after being contacted by the Enforcement Division.

17 An aggravating factor in this case is the Committee failed to timely file a Form 410 to identify its
18 controlling candidates. But that is not charged because the Committee's printed advertisements did
19 reflect that Bennett and Parks controlled the Committee, which limited the public harm of the violation.
20 Further, the Committee filed an amended Form 410 correcting the mistake. The Committee contends it
21 was informed by Commission staff that because it supported multiple ballot measures in multiple
22 jurisdictions, it should register as a general purpose committee rather than a primarily formed committee.
23 The Committee mistakenly believed this change in committee status meant the Committee no longer
24 qualified as a candidate-controlled committee, which, according to the Committee, is why it stopped
25 identifying its controlling candidates beginning in 2007.

26 Also not charged as a violation is the Committee's failure to file pre-election statements for the
27 2016 Primary Election. Because Bennett was a candidate on the ballot in the 2016 Primary Election, and
28 he controlled the Committee, the Committee was required to file pre-election statements even though it

1 did not support or oppose any ballot measures on the June ballot.¹⁵ The Committee did file a semi-
2 annual statement that covered the entire first half of 2016 and there was no indication the Committee
3 made any expenditures to support Bennett’s campaign. For these reasons, the failure to file pre-election
4 statements is not being charged.

5 Given the above, an administrative penalty of \$3,000 is recommended.

6 **CONCLUSION**

7 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
8 respondent Save Open Space & Agricultural Resources, Inc. (A controlled committee by Ventura County
9 Supervisors Steve Bennett and Linda Parks), hereby agree as follows:

10 1. The Respondent violated the Act as described in the foregoing pages, which are a true and
11 accurate summary of the facts in this matter.

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

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

17 4. Respondent understands, and hereby knowingly and voluntarily waives, all procedural
18 rights set forth in sections 83115.5, 11503, 11523, and regulations 18361.1 through 18361.9. This
19 includes, but is not limited to the right to appear personally at any administrative hearing held in this
20 matter, to be represented by an attorney at Respondent’s own expense, to confront and cross-examine all
21 witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
22 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
23 reviewed.

24 5. The Respondent agrees to the issuance of the decision and order set forth below. Also, the
25 Respondent agrees to the Commission imposing against them an administrative penalty in the amount of
26 \$3,000. One or more cashier’s checks or money orders totaling said amount—to be paid to the General
27 Fund of the State of California—is/are submitted with this stipulation as full payment of the
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¹⁵ §84200.5, subd. (a).

1 administrative penalty described above, and same shall be held by the State of California until the
2 Commission issues its decision and order regarding this matter.

3 6. If the Commission refuses to approve this stipulation—then this stipulation shall become
4 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
5 rejected, all payments tendered by the Respondent in connection with this stipulation shall be reimbursed
6 to the Respondent. If this stipulation is not approved by the Commission, and if a full evidentiary hearing
7 before the Commission becomes necessary, neither any member of the Commission, nor the Executive
8 Director, shall be disqualified because of prior consideration of this Stipulation.

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

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13 Dated: _____
14 Galena West, Chief of Enforcement
15 Fair Political Practices Commission

16 Dated: _____
17 _____ on behalf of Save Open
18 Space & Agricultural Resources, Inc. (A controlled
19 committee by Ventura County Supervisors Steve
20 Bennett and Linda Parks)

1 The foregoing stipulation of the parties “In the Matter of Save Open Space & Agricultural Resources,
2 Inc. (A controlled committee by Ventura County Supervisors Steve Bennett and Linda Parks),” FPPC
3 Case No. 16/19636 is hereby accepted as the final decision and order of the Fair Political Practices
4 Commission, effective upon execution below by the Chair.

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6 IT IS SO ORDERED.

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8 Dated: _____

9 Joann Remke, Chair
10 Fair Political Practices Commission
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