



# San Francisco Ethics Commission

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## Campaign Finance Audit Report Ernest 'EJ' Jones for Supervisor 2024 (ID # 1460749)

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### I. Introduction

This Audit Report summarizes the audit results for the committee Ernest 'EJ' Jones for Supervisor 2024, FPPC ID # 1460749 (the "Committee"), for the period January 1, 2023, through December 31, 2024. The audit was conducted by Ethics Commission audit staff to determine whether the Committee materially complied with applicable state and local campaign finance laws during the November 2024 election.

### II. Audit Authority

San Francisco Charter Section C3.699-11 authorizes the Ethics Commission (the "Commission") to "audit campaign statements and other relevant documents" of campaign committees that file with the Commission. San Francisco Campaign and Governmental Conduct Code ("C&GCC") Section 1.150(a) requires the Commission to audit all committees of candidates who have received public financing and authorizes the Commission to initiate targeted audits of other committees at its discretion.

### III. Objective and Scope

The objective of the audit was to reasonably determine whether the Committee materially complied with requirements of the San Francisco Campaign Finance Reform Ordinance (C&GCC Section 1.100, et seq., and supporting regulations) and the California Political Reform Act (California Government Code Section 81000, et seq., and supporting regulations).

The audit was conducted based on an analysis of the Committee's filings and support documentation obtained from the Committee. A complete summary of the audit's objectives and the methods used to address those objectives appears in Appendix A.

### IV. Committee Information

The Committee qualified as a committee on July 14, 2023, as a candidate-controlled committee supporting the election of Ernest Jones (the "Candidate") to the office of District 11 Supervisor in the November 5, 2024, election. The Committee was terminated on July 31, 2025.

View Avenue Group served as the Committee's treasurer (the "Treasurer") for the full period covered by the audit. Tricia Waimeo was the primary audit contact on behalf of the Committee during the audit.

For the period covered by the audit, the Committee reported receiving \$378,477—including \$122,481 in monetary contributions, \$996 in nonmonetary contributions, and \$255,000 in public financing—and making or incurring \$373,583 in expenditures.

## **V. Material Audit Findings**

Material findings represent instances of noncompliance that Auditors determined to be significant based on the frequency of occurrence within a representative sample, or based on the significance of the dollar amount, the percentage of total activity, or the importance of the item to the purposes of state or local law.

Auditors identified no material findings during the audit.

## **VI. Other Identified Findings**

Auditors identified the following non-material findings during the audit. These findings represent instances of noncompliance discovered through review of the Committee's filings and support documentation and through testing of sampled transactions that were determined not to be material in terms of frequency or dollar amount. This information is reported for the awareness of committees and treasurers and to facilitate the tracking of trends across audit reports.

### **Finding VI-1. The Committee did not include complete disclaimers on multiple advertisements**

#### Applicable Law

In addition to complying with advertisement disclaimer requirements set forth in Government Code Sections 84100 et seq., advertisements by candidate committees that support or oppose any candidate for City elective office must include the disclaimer statements, “Paid for by [insert the name of the candidate committee],” and “Financial disclosures are available at [sfethics.org](http://sfethics.org).” C&GCC § 1.161(a)(4).

Under local law, the format and size of disclaimer statements for a candidate committee must comply with the Political Reform Act's disclaimer requirements for independent expenditures for or against a candidate, except that the disclaimer must be printed in at least 14-point, bold font for a mass mailing, door hanger, flyer, poster, oversized campaign button or bumper sticker, or print advertisement. *Id.* § 1.161(a)(3), (a)(4).

Under state law, the disclaimer area for a print advertisement for an independent expenditure must have a solid white background and be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter, and all text in the disclaimer area must be in contrasting color and centered horizontally in the disclaimer area. Gov't Code § 84504.2(a)(1).

If an advertisement appears primarily in a language other than English, the required disclaimer must appear in that same language, except the committee name should appear exactly the same as in its most recently filed Statement of Organization. 2 CCR § 18450.6(a)-(b). Fair Political Practices

Commission (“FPPC”) Advice Letter I-23-054 notes that this gives the public the ability to search for a committee's information within campaign filing databases.

### Analysis

Auditors reviewed a sample of 86 expenditures, including 10 for printed or digital advertisements. Auditors inspected copies of the advertisements associated with each expenditure and determined that the included disclaimers were incomplete or otherwise not fully compliant with all requirements for seven of those 10 expenditures (70%). Nine of the reviewed advertisements were mass mailings or other print advertisements and one was an online advertisement.

All eight of the noncompliant disclaimers omitted the phrase “Financial disclosures are available at sfethics.org” required by Section 1.161(a)(4). This language is intended to direct the public to the Commission’s website on which the campaign finance disclosures of committees filing in San Francisco are reported, whereas campaign finance disclosures for most committees active in California are found on the Secretary of State’s website.

Additionally, the disclaimer for a mass mailing purchased on October 22, 2024, (“We All Agree: EJ For Supervisor”) appears at the top of the advertisement, between the Candidate’s campaign logo and the advertisement’s title, rather than set apart from other printed matter. “Walk cards” associated with an expenditure dated June 10, 2024, included improperly translated disclaimers pursuant to Regulation 18450.6. This expenditure included English, Spanish, and Chinese versions, with all substantive content of the Spanish and Chinese versions appearing in the respective language. However, all three versions contained English disclaimers.

The table below summarizes the expenditures described in this finding:

Vendor	Date	Amount	Advertisement Type	Advertisement Title or Description
Autumn Press	6/10/2024	\$5,334	Walk cards	Walk card, 3 versions: Chinese, English, Spanish
	10/29/2024	\$6,484	Mass mailing	Joint Mailer With Ahsha Safai
	11/5/2024	\$14,858	Mass mailing	EJ Jones Gets it Done for District 11
San Francisco Center for Newspaper Preservation	9/24/2024	\$1,600	Print ad	<i>SF Bay Guardian</i> endorsement issue
Pacific Print Resources	10/22/2024	\$14,203	Mass mailing	We All Agree: EJ For Supervisor
	10/29/2024	\$12,383	Mass mailing	Fighting for Safer, Cleaner Streets
	10/31/2024	\$10,969	Mass mailing	The Democratic Choice for District 11

**Finding VI-2. An agent of the Committee did not make known all subvendor information required to be reported**

Applicable Law

Committees are required to report expenditures made by an agent or independent contractor of a committee of \$500 or greater, other than expenditures for the agent's or independent contractor's overhead and normal operating expenses, as if the expenditures were made directly by the committee. Gov't Code § 84303(a).

A subvendor who provides goods or services to or for the benefit of a committee must make known to the agent or independent contractor all of the information required to be reported by this section, who in turn must make that information known to the committee. *Id.* § 84303(b).

For each person to whom a committee has made an expenditure of \$100 or more, the committee must disclose the full name and street address of the payee, amount of each expenditure, and a brief description of the consideration received. *Id.* § 84211(k). Local law additionally requires a committee to report the date of each expenditure required to be disclosed. C&GCC § 1.112(a)(4).

Analysis

Data Genomix, LLC acted as an agent of the Committee during the 2024 campaign. The Committee reported two expenditures to Data Genomix for digital advertisements, including a payment of \$25,000 dated October 24, 2024, and a payment of \$10,000 dated October 31, 2024.

Support records for the first payment consist of an invoice from Data Genomix dated September 27, 2024. This invoice includes a single line-item amount of \$25,000 for "Digital Media Buy," under which are the bulleted items "Meta" and "Digital Display." A typed note, likely added by the Treasurer, states "Sub-Vendor: Meta: \$7,500." This corresponds to a payment to Meta for \$7,500 reported by the Committee on Schedule G (Payments Made by an Agent or Independent Contractor) of its Form 460. It is unclear how this information was obtained. At a minimum, there is no evidence that the vendor provided the additional information required by Sections 84303(b) and 84211, including the subvendor's street address or a description of the services purchased.

Regarding the second expenditure, an invoice for a \$10,000 payment dated October 31, 2024, similarly includes a single line-item in the amount of \$10,000 for "Additional Budget: Digital Media Buy," under which are the bulleted items "Meta" and "Digital Display." In this case, the Committee did not include a note indicating an amount paid to Meta nor report a subvendor payment on Schedule G.

It is unclear from the supporting invoice whether the \$10,000 expenditure included no additional payment to Meta, despite the invoice listing Meta in an identical manner to the invoice for which there was a subvendor cost; whether an amount paid to Meta was under \$500 and therefore not reportable;

or whether a reportable subvendor payment was not made known by the vendor or otherwise determined by the committee. Because it appears that the vendor did not make known all information required by Section 84303(b), Auditors were unable to determine whether the Committee properly reported subvendor expenditures required by Section 84303(a).

The table below summarizes the expenditures discussed in this finding:

Agent	Subvendor	Payment Amount	Payment Date	Subvendor Amount
Data Genomix, LLC	Meta	\$25,000	10/24/2024	\$7,500
Data Genomix, LLC	Meta	\$10,000	10/31/2024	None indicated

#### Committee Response to Finding

The Treasurer provided by the following comment: "The sub-vendor payment \$7500 to Meta was reported by the committee on 10/24/24 based on information provided to the committee in email correspondence from Data Genomix. When the committee requested sub-vendor information for the payment made on 10/31/24, Data Genomix responded with the following statement:

'Data Genomix operates with a proprietary, patented system for facilitating highly targeted advertising across various platforms, including digital display, digital video, social media platforms, connected TV (CTV), and other online environments. Data Genomix LLC has been awarded a patent for this system, which is officially recognized as US Patent No. 10,825,059, titled Facilitating Highly Targeted Advertising to Identified Audience Members across Social Media.

As a result of this technology, all ad placements for this project were executed internally by our team, using our patented platform to place ads directly with outlets. Importantly, this process does not involve the use of sub-vendors or third-party intermediaries. While funds were expended on these ad buys, these expenditures were not made to sub-vendors but rather as direct payments through our inhouse system and as part of our bulk-buying of online ads.

Under California's political reporting guidelines for sub-vendors, payments made as part of our internal placement processes do not meet the criteria for sub-vendor reporting. If we were required to detail every destination where advertisements were placed under this model, it would necessitate reporting across thousands of individual websites, social media placements, and connected TV channels—none of which constitute sub-vendor relationships per the definition.

To summarize, no payments were made to sub-vendors. All ad placements were handled internally via our patented platform."

#### Auditor Comment

Based on its description of its technology, Data Genomix appears to make payments directly to various platforms to place ads on the Committee's behalf. This is supported by the inclusion of the "Meta" line

item on the two invoices for Digital Media Buys described above, and the disclosed \$7,500 payment to Meta included on the October 24 invoice.

Under state regulation, certain specified expenditures—including expenditures to any person for advertising time or space—when made by an agent or independent contractor, including any vendor or subvendor, on behalf of or for the benefit of a candidate or committee, must be reported under Section 84303. 2 CCR § 18431(a). In the Campaign Disclosure Manual for Local Candidates, the FPPC clarifies that a “subvendor payment” occurs when an agent or independent contractor, including a consulting firm or advertising agency, makes an expenditure or incurs a debt on behalf of the committee. The Manual lists examples of subvendor payments, including “Media placements – television, radio, cable, digital” and “commissions paid to media firms for media placements.”

Accordingly, to the extent that Data Genomix made payments to social media platforms, websites, or TV channels to place ads on the Committee’s behalf, each of those payments would be a “subvendor payment” under Section 84303 and Regulation 18431. To the extent that any of those payments exceeded \$500 per subvendor, Data Genomix was required to make that information known to the Committee pursuant to Section 84303(b), and the Committee was required to disclose that subvendor payment pursuant to Section 84303(a).

## **VII. Conclusion**

Except as noted in the audit findings sections above, and based on the evidence obtained, Auditors conclude that the Committee substantially complied with the requirements of the California Political Reform Act and the San Francisco Campaign and Governmental Conduct Code. The Committee was provided a copy of this report and an opportunity to respond. The Committee’s comments are included in this report alongside the relevant finding.

This report and the support documentation on which it is based will be forwarded to the Commission’s Enforcement Division for further investigation and/or enforcement action as warranted. The scope of the audit is not exhaustive of all conduct of the Committee during the audit period, and any subsequent enforcement action may include conduct not covered in this report.

This Audit Report is intended to provide information about the Committee’s activities and its compliance with campaign finance requirements to the Commission, the Committee and its Treasurer, and San Francisco voters. This report, and all Audit Reports prepared by the Commission, will be posted to the Commission’s website at [sfethics.org](http://sfethics.org).

## Appendix A

### Objectives and Methodology

Audit Objective	Methodology
Determine whether disclosed campaign finance activity materially agrees with activity in the Committee's bank account.	<ul style="list-style-type: none"> <li>Calculated total reported contributions and expenditures in the Committee's filings and total reported credits and debits in the Committee's bank statements.</li> <li>Applied adjustments as needed to account for variations in transaction reporting between sources.</li> </ul>
Determine whether the Committee accepted contributions from allowable sources and in accordance with limits, appropriately disclosed those contributions, and maintained required contribution records.	<ul style="list-style-type: none"> <li>Reviewed contributions submitted for public funds matching for compliance with limits and accuracy of contributor information.</li> <li>Selected a statistically significant sample at a 95% confidence level and a 3.5% margin of error based on the total number of reported contribution transactions. Selected samples for testing from a range of periods, sources, and payment methods.</li> <li>Reviewed each sampled transaction for compliance with state and local requirements regarding contribution restrictions, disclosure, and recordkeeping.</li> <li>Performed additional targeted testing of contributions identified through analysis of filing data and support records.</li> <li>Utilized automated procedures to analyze data extracted from the Committee's filings. Identified contributions from prohibited sources and late-reported transactions. Verified identified noncompliance against support records.</li> </ul>
Determine whether the Committee made expenditures for allowable purposes, appropriately disclosed those expenditures, and maintained required expenditure records.	<ul style="list-style-type: none"> <li>Selected a statistically significant sample at a 95% confidence level and a 3.5% margin of error based on the total number of reported expenditure transactions. Selected samples for testing from a range of periods, sources, amounts, vendors, and agents.</li> <li>Reviewed each sampled transaction for compliance with state and local requirements regarding expenditure restrictions, disclosure, and recordkeeping, including any expenditures made to subvendors by agents or contractors of the committee.</li> <li>Performed additional targeted testing of expenditures identified through analysis of filing data and support records.</li> <li>Utilized automated procedures to analyze data extracted from the Committee's filings. Identified late-reported transactions and verified identified noncompliance against support records.</li> </ul>
Identify any other evidence of potential noncompliance for inclusion in the audit report or referral for further investigation.	<ul style="list-style-type: none"> <li>Analyzed data extracted from the Committee's filings.</li> <li>Analyzed support records obtained from the Committee.</li> </ul>