



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

March 14, 2024

Tom Willis  
Olson Remcho, LLP  
o/b/o Stop the Republican Recall of Governor Newsom and Gavin Newsom  
Sent via email: [TWillis@olsonremcho.com](mailto:TWillis@olsonremcho.com)

**Warning Letter Re: FPPC Case No. 2021-00885; Stop the Republican Recall of Governor Newsom and Gavin Newsom**

Dear Tom Willis:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> As you are aware, the Enforcement Division received a sworn complaint related to text message advertisements produced by Stop the Republican Recall of Governor Newsom (the “Committee”). The Enforcement Division has completed its investigation and found that the Committee failed to include the proper disclosure in its text message advertisements.

The Act requires committees, other than a candidate controlled committee established for an elective office of the controlling candidate, who produce text message advertisements that support or oppose a ballot measure to include the text “Paid for by” or “With” followed by either the name of the committee, or a hyperlink or URL for an internet website containing the required disclosures.<sup>2</sup> If the committee has top contributors and the disclosure would exceed 35 characters, the disclosure shall include the text “Top funders:” followed by only the single top contributor of \$50,000 or more.<sup>3</sup> However, if the committee has top contributors and uses unpaid volunteers to send text messages with the assistance of mass distribution technology, including a text message platform, the text messages sent by unpaid volunteers are not required to disclose the top contributors.<sup>4</sup> Instead, text message advertisements sent by unpaid volunteers must include a disclosure stating that the text message is being sent by a volunteer.<sup>5</sup>

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<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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

<sup>2</sup> Section 84504.7, subd. (b)(1).

<sup>3</sup> Section 84504.7, subd. (b)(3)(C).

<sup>4</sup> Section 84504.7, subd. (c)(2).

<sup>5</sup> *Id.*

The Committee violated the Act by failing to include a disclosure that the text message advertisements were sent by volunteers. However, mitigating circumstances exist here such that the Enforcement Division has decided to close this case with a warning letter. Although the text did not state that it was being sent by a volunteer, the volunteer did use their name and the text “with” along with the Committee’s name, so it was clear where the text came from, resulting in minimal harm to the public. Additionally, the advertisements were properly reported on timely filed campaign statements. Furthermore, the Committee has since terminated and it does not have a history of violating the Act.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within 10 days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission’s website 10 days from the date of this letter.

If you have any questions regarding this letter, please contact me at (279) 237-5910 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov).

Sincerely,

*Jenna Rinehart*

Jenna C. Rinehart  
Senior Commission Counsel  
Enforcement Division

cc: Sean O’Leary [REDACTED]