



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 21, 2021

Wapner for Council 2022

Alan Wapner

Via email: [REDACTED]

Warning Letter Re: FPPC No. 2021-01164; Wapner for Council 2022; Alan Wapner

Dear Committee and Mr. Wapner:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a complaint against you alleging that you violated the mass mailing provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to include the words “Paid for by” on a mass mailing you sent on or around December 3, 2021.

Under the Act, a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible.² The identification required by Section 84305 must be preceded by the words “Paid for by.” The words “Paid for by” must be immediately adjacent to and above or immediately adjacent to and in front of the required identification.³

Your actions violated the Act because you failed to place the words “Paid for by” on a mass mailing you sent on or around December 3, 2021. However, since the mass mailing included the committee name, address, and committee ID number, it was clear that the committee sent the subject mass mailing, so the violation resulted in minimal public harm. Additionally, you have

¹ 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.

² Section 84305, subd. (a)(1).

³ Regulation 18435, subd. (c).

no prior history of violating the Act. For these reasons, the Enforcement Division is closing this case with a warning letter rather than a fine.

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 ten (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 ten (10) days from the date of this letter.

Please feel free to contact Tara Stock at tstock@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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