



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

December 7, 2021

Sent via Email: thomasburke@dwt.com

Thomas Burke, Esq.

RE: **No Action Closure Letter**
FPPC Case No. 2019/315; In the Matter of San Francisco Bay Guardian

Dear Thomas Burke:

As you may know, the Enforcement Division of the California Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to our investigation concerning a complaint in connection with the above referenced case, alleging your client, the San Francisco Bay Guardian, as a multipurpose organization (“MPO”), qualified as a recipient committee and failed to file campaign statements as required under the Act, in connection with a certain publication entitled “2016 Endorsements.” The Enforcement Division is closing its file on this matter with this Closure Letter.

An MPO is an organization, association, or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures.² An MPO may qualify as a recipient committee if, among other things, the MPO:

- Solicits and receives payments from donors totaling at least \$2,000 in a calendar year for the purpose of making contributions or expenditures in California;
- Accepts payments from donors totaling at least \$2,000 in a calendar year subject to a condition agreement or understanding that the payment may be used for making contributions or expenditures in California;
- Use existing funds from a donor with a subsequent agreement or understanding that some or all may be used to make contributions or expenditures totaling \$2,000;
- Makes contributions totaling more than \$50,000 in a period of 12 months or more than \$100,000 in a period of four consecutive calendar years, unless it makes contributions with nondonor funds, which are investment income or income earned from providing goods, services, or facilities, whether related or unrelated to the MPO’s program, sale of assets, or other receipts that are not donations.³

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 18109 through 18997 of Title 2 of the California Code of Regulations.

² Section 84222, subd. (a).

³ Section 84222, subd. (c).

Such MPO recipient committees must comply with the registration and reporting requirements of the Act as would any other recipient committee.

Our investigation determined the San Francisco Bay Guardian did not receive donor funds for the 2016 Endorsements publication, but instead sold advertising space to the public. Further, the San Francisco Bay Guardian did not exceed the \$50,000 contribution threshold in 12 months or \$100,000 contribution threshold in 4 years. As such, the San Francisco Bay Guardian did not qualify as a recipient committee in 2016. The allegations have been disproven. As such, the Enforcement Division is closing our case on this matter.

If you have any questions regarding this letter, please feel free to contact me at (916) 324-8787 or bcastillo@fppc.ca.gov.

Sincerely,

Bridgette Castillo

Bridgette Castillo
Senior Commission Counsel
Enforcement Division