



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

February 6, 2023

Cary Davidson
o/b/o Equality California
Via email: cary@politicallaw.com

Warning Letter re: FPPC No. 2019-00902: Equality California

Dear Cary Davidson:

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 sworn complaint from the Sutton Law Firm regarding Equality California’s failure to report lobbying activity on your Lobbyist Employer Report for the third quarter of 2018.

The Enforcement Division found that Equality California failed to timely file report \$11,324 in “other payments to influence legislative or administrative action” on the quarterly report for the period covering July 1, 2018 through September 30, 2018.

The Act requires lobbyist employers to file periodic reports.² The reports are to be filed during the month following each calendar quarter.³ Furthermore, the reports must contain each activity expense of the filer and a total of all activity expenses of the filer shall be included.⁴ The above-mentioned reports are filed by submitting a completed Form 635 to the California Secretary of State. Equality California violated the Act by failing to timely file report \$11,324 in “other payments to influence legislative or administrative action” on the quarterly report for the period covering July 1, 2018 through September 30, 2018.

However, the Enforcement Division decided to close this case with a warning letter. The total activity during the applicable period was \$407,478 and the total late reported was only \$11,324 or 2% of the total activity. Furthermore, corrective amendments were filed. Therefore, the Enforcement Division decided to close this case as to these issues with a warning letter.

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.

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 86116 and Section 84605.

³ Section 86117.

⁴ Section 86116, subd. (f).

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.

If you need forms, manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. Please feel free to contact me at (916) 327-6358 or arose@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Alex J Rose

Alex J. Rose, Commission Counsel
Enforcement Division