



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

July 11, 2023

Pamela Kurtzman, individually and o/b/o
Sequoia Healthcare District
525 Veterans Blvd
Redwood City, CA 94063

Via Email: pkurtzman@seqhd.org

Warning Letter Re: FPPC No. 2019-00001; Sequoia Healthcare District, Kurtzman

Dear Sequoia Healthcare District and Pamela Kurtzman,

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint alleging Sequoia Healthcare District (“the District”) violated the Act’s prohibitions on mass mailings sent at public expense. The Enforcement Division has completed its review of the matter and determined the District mailed its 2018 Annual Report (“Annual Report”) that featured three of the five Board of Directors for the District (“board members”) on page 3 of the report, in violation of the Act’s prohibitions on mass mailings sent at public expense.

The Act prohibits newsletters or other mass mailings from being sent at public expense.² A mailing is prohibited under the Act if all of the following criteria are met: (1) the item sent is a tangible item and is delivered to the recipient at their residence, place of employment, or post office box; (2) the item sent features an elected officer³ affiliated with the agency that produces or sends the mailing; (3) the agency pays any costs for distribution of the item, or pays more than \$50 toward the design, production, or printing costs for the item; and (4) more than 200 substantially similar items are sent in a single calendar month.⁴ A mailing is not prohibited under the Act if the elected officers’ names appear in a roster listing of all the elected officers of the

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 89001.

³ “Features an elected officer” means that the item mailed includes the elected officer’s photograph or signature or singles out the elected officer by the manner of display of his or her name or office in the layout of the document. (Section 89002, subd. (c)(2).)

⁴ Section 89002, subd. (a).

agency in the same type size, typeface, type color, and location and does not include the elected officers photograph, signature, or any other reference to the elected officers.⁵

The District paid for and distributed its Annual Report to its residents. On page 1 of the Annual Report, the cover page, the five board members and their positions are listed. This mention of the board members falls under the exception in Section 89001, subdivision (b)(1), because all of the elected officer's names appear in the same type size, typeface, type color, location, and there are no photographs, signatures or other reference to the board members.

However, the District's mention of the board members on page 3 of the Annual Report does not fall under an exception. Page 3 of the Annual Report included a list of the five board members with the name of two members, Kathleen M. Kane and Kim Griffin, in black ink, and the language "term expires in 2020." The other three members' names, Jerry Shefren, Arthur K. Faro, and Jack Hickey, were listed in blue ink, and included information about which zone the members reside in and the language "up for re-election in 2018." Additionally, next to Arthur J. Faro's name, and Jack Hickey's name, the word "Director" was also included in blue ink. The Enforcement Division determined that this portion of the mailing does not qualify for the exception provided in Section 89001, subdivision (b)(1), discussed above, because the elected officers' names did not appear in the same type size, typeface, type color, and location, and thus, violated the Act's prohibitions on mass mailings sent at public expense. However, mitigating circumstances exist here: The violation resulted in minimal public harm, there was no express advocacy included in the annual report, four of the five board members listed are no longer in office, and you have no prior Enforcement history. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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

⁵ Section 89001, subd. (b)(1).

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subdivision (e)(3).

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten 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 days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please visit our website at www.fppc.ca.gov. Please feel free to contact me at MCorona@fppc.ca.gov or (916) 322-5772 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

cc: Jack Hickey, [REDACTED]