



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

July 13, 2023

Jim Sutton
o/b/o YES Greenway
Via email: jsutton@campaignlawyers.com

Warning Letter Re: FPPC No. 2022-00428; YES Greenway

Dear Mr. Sutton:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint filed against your client, YES Greenway (the “Committee”). Although the complaint’s allegations were disproven, during review of the complaint the Enforcement Division determined that YES Greenway failed to include required disclosure on an email advertisement as required by the Act.

Under the Act, a committee shall not send an email advertisement unless the full name of the committee is shown in the ad preceded by the words “Ad paid for by” or “Paid for by” in a contrasting color and no less than 8-point font at the top of bottom of the email.²

YES Greenway’s actions violated the Act because an email advertisement failed to include the full committee name and “Ad paid for by” language. However, it was clear that YES Greenway sent the email since the body of the communication indicated that it was sent by a YES Greenway volunteer. Additionally you explained that this email advertisement represented a small portion of the advertisements disseminated by the YES Greenway; the missing disclosure was the result of the Committee switching email service providers; and the disclosure was fixed immediately after receipt of the complaint and before the June 7, 2022 election. 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.³ Discretion was used

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 84504.3(c) and 84502.

³ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

based upon mitigating or aggravating circumstances and the totality of the circumstances.⁴ This resolution may not be used as a comparable case for other enforcement matters.⁵

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 your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your client wishes to avail themselves of these proceedings by requesting that their 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 or a manual, or guidance regarding your client's 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 Ginny Brown at 916-322-8064 or gbrown@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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⁴ Regulations 18360.1 and 18360.3.

⁵ See Regulation 18361.5, subdivision (e)(3).