



December 1, 2022

Dan Evans
Evans for Tracy City Council 2022
[REDACTED]

Warning Letter re: FPPC No. 2022-00945; Dan Evans, Evans for Tracy City Council 2022

Dear Committee and Mr. Evans:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received an anonymous complaint alleging that you violated the advertisement disclaimer 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 committee’s address in a mass mailing your committee sent in support of your campaign. Additionally, the committee name in the mass mailing (“Dan Evans for Tracy City Council 2022”) does not match the committee name on your Statement of Organization (“Evans for Tracy City Council 2022”).

Under the Act, if a candidate-controlled committee sends a postcard-type mass mailing (over 200 substantially similar pieces of mail), each piece must include in no less than 6-point type in a color or print that contrasts with the background:

- Committee name and address (on file with Form 410)
- “Paid for by” in the same color and font as the committee name and address and immediately in front of or above the name and address²

Your actions violated the Act because, while the subject mass mailing included the committee name and the words “Paid for by” preceding the committee name, the committee name did not match the committee name on your Statement of Organization (Form 410). Additionally, the mailers failed to include the committee’s address. However, the Enforcement Division has decided to close this case with a warning letter. It was clear that the committee sent the mass mailing since it included the campaign’s website address and committee ID number, so the violation resulted in minimal public harm. You also ran as a first-time candidate during the November 8, 2022 General Election, and you have no history of violating the Act.

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.

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.

If you have any questions regarding this letter, please contact Amber Rodriguez at arodriguez@fppc.ca.gov or (916) 322-1198.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:ar