



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

August 17, 2023

Ash Pirayou

o/b/o Yes on L - Oceansiders for Jobs, Health, and Safety, a coalition of Farmers, Firefighters, Business Leaders & Affordable Housing Advocates, sponsored by The NRF Project Owner; and Nancy Haley



Warning Letter Re: FPPC No. 2020-00873; Yes on L - Oceansiders for Jobs, Health, and Safety, a coalition of Farmers, Firefighters, Business Leaders & Affordable Housing Advocates, sponsored by The NRF Project Owner; and Nancy Haley

Dear Ash Pirayou:

After an investigation, the Enforcement Division is closing its file in this matter with a streamline penalty for failure to include Top Funder disclosures on two text messages distributed prior to the November 3, 2020 General Election, as publicly noticed at the June 2023 Commission meeting and the warning letter as discussed below.

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 against Yes on L - Oceansiders for Jobs, Health, and Safety, a coalition of Farmers, Firefighters, Business Leaders & Affordable Housing Advocates, sponsored by The NRF Project Owner (the “Committee”) regarding improper ad disclosures on text message advertisements sent prior to the November 3, 2020 General Election.

The Act requires advertisements paid for by a committee to include the words, “Paid for by” or “With” followed by either the name of the committee or a hyperlink for an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5.²

The Enforcement Division found that you sent two text message advertisements that did not contain the disclosure, “Paid for by” or “With” followed by the Committee name.

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 84504.7.

But, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: the “Paid for by” disclosure requirement on text messages was a recently implemented law, the supported ballot measure was unsuccessful, and there was an attempt to include the proper disclosures.

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.

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Rose". The signature is written in a cursive, flowing style.

Alex J. Rose, Commission Counsel
Enforcement Division