



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

September 22, 2023

Wendell Anderson
Keep Yuba County Safe – Yes on Measure K
Committee to Elect Wendell Anderson Yuba County Sheriff 2018



Re: Warning Letter: FPPC No. 2019-00266 Keep Yuba County Safe – Yes on Measure K and Wendell Anderson and FPPC No. 2019-00488 Committee to Elect Wendell Anderson Yuba County Sheriff 2018 and Wendell Anderson

Dear Wendell Anderson,

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 Commission received a complaint alleging that the County of Yuba used public funds to send mass mailings and to pay for yard signs that were in support of Measure K, a ballot measure considered by Yuba County voters during the November 6, 2018 General Election. The Enforcement Division’s investigation determined that the committee, Keep Yuba County Safe – Yes on Measure K (“Keep Yuba County Safe Committee”) was responsible for these advertisements. At that time and to present, you are the elected Sheriff of Yuba County. You were also the treasurer and principal officer of Keep Yuba County Safe Committee, and as a result, Keep Yuba County Safe Committee is a candidate-controlled committee. Our investigation determined that Keep Yuba County Safe Committee violated the Act by failing to include your name in the committee name, and by failing to include the proper advertisement disclosures in mass mailings. In addition, the investigation determined that the committee, Elect Wendell Anderson Yuba County Sheriff 2018 (“Sheriff Committee”), failed to timely file a campaign statement in 2018 and a termination campaign statement in 2019.

Under the Act, a committee that is controlled directly or indirectly by a candidate is a “controlled committee.”² A candidate includes anyone who is listed on a ballot and an elected officer. A person who becomes a candidate retains that status until that status is terminated under Section 84214.³ Whenever identification of a committee is required by law, such as on a statement of organization or on advertisements, the identification must include the full name of the committee⁴. In the case of a committee that is controlled by one or more candidates, the name of the committee must include the last name of each controlling candidate.⁵ Whenever a candidate-controlled committee files a campaign statement, information about the controlling candidate must

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 82016.

³ Section 82007.

⁴ Section 84101.

⁵ Regulation 18402, subdivision (c)(1).

be disclosed on the filing along with information about any other committees that the candidate controls.⁶

In 2018, when the violations occurred, a print advertisement paid for by a committee, such as a primarily formed ballot measure committee, was required to include the name of the committee as required by law and in the following format: the disclosure shall have a solid white background and be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. The text shall be in an Arial equivalent type with a type size of at least 10-point.⁷

You violated the Act because the committee name for Keep Yuba County Safe Committee failed to include the name of the controlling candidate and could have read, Keep Yuba County Safe – Yes on Measure K, a committee controlled by Wendell Anderson. Additionally, in October 2018, Keep Yuba County Safe Committee caused two mass mailings to be distributed throughout Yuba County. These mailings violated the Act because while they included a disclosure, it was not consistent with the requirements for advertisement disclosures in 2018. Particularly, the disclosure was not in a drawn box at the bottom of at least one page. Rather, the disclosure was in a section set apart from the other text but was at the top of the mailer. In addition, the disclosure did not include the name of the controlling candidate. Further, you violated the Act by failing to timely file post-election semiannual campaign statements for the Sheriff Committee following your election to Sheriff. You filed a campaign statement to disclose the remainder of the Sheriff Committee's activity, though the committee was largely defunct, and the committee was terminated.

Mitigating circumstances exist here. You cooperated in the investigation, and you were listed on the campaign statements for Keep Yuba County Safe Committee as the principal officer and treasurer of record, so there was no intent to conceal that you were involved with Keep Yuba County Safe Committee. In addition, you were a first-time candidate in the June 2018 Primary Election and the disclosures related to both of your controlled committee demonstrated a good faith attempt to comply with the rules and regulations of the Act. You have no prior history and both committees have since terminated. 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.⁸ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁹ This resolution may not be used as a comparable case for other enforcement matters.¹⁰

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.

⁶ Section 84102, subdivision (e).

⁷ Section 84504.2.

⁸ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁹ Regulations 18360.1 and 18360.3.

¹⁰ See Regulation 18361.5, subdivision (e)(3).

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 Theresa Gilbertson at tgilbertson@fppc.ca.gov.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Lou Binninger, Sworn Complainant [REDACTED]