



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

September 7, 2023

Nicholas Sanders
On behalf of Chesa Boudin
Via email: nicholas@sanderspoliticallaw.com

Re: Warning Letter FPPC No. 2021-00598, In the Matter of Chesa Boudin

Nicholas Sanders,

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 Chesa Boudin, in his capacity as a candidate for San Francisco District Attorney and eventual office holder of the same office, improperly accepted an honorarium when Boudin was subject to the prohibition against honorarium.

The Act defines “honorarium” as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social meal, or like gathering.² The Act provides that no elected officer or candidate for elective office in a local government agency may accept any honorarium.³ If the individual returns the honorarium to the donor within 30 days of receipt, the prohibition does not apply.⁴

Boudin’s actions violated the Act because Boudin accepted honorarium while a candidate for the office of District Attorney for the City and County of San Francisco for a lecture given at the University of San Francisco. Upon receiving notice of the complaint, Boudin provided a full refund of the honorarium. The return occurred more than 30 days after the honorarium was accepted. Boudin reported the payment on a financial disclosure form. Boudin was a first-time candidate and is no longer in office as of the time of this writing. Boudin has no prior history of violating the Act. Based on these factors, the Enforcement Division will close this matter with this warning letter.

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 89501.

³ Regulation 89502.

⁴ Section 89501, subdivision (b)(2) and Regulation 18933, subdivision (a)(1).

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 need forms or a manual, or guidance regarding your 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 me at 916-323-6421 or tgilbertson@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division