



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

September 25, 2023

Tim Kelly
Save Our Schools Yes on Measure AA
[REDACTED]

Warning Letter Re: FPPC No. 2019-00236: Save Our Schools on Measure AA, Tim Kelly

Dear Tim Kelly:

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 complaint against you and your committee Save Our Schools Yes on Measure AA (the “Committee”), alleging that you failed to include the required advertising disclosures on yard signs and website advertisements.

The Act requires committees primarily formed to support a measure appearing on the ballot for the next election to file pre-election campaign statements.² Pre-election statements shall be filed as follows: for the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election and for the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election.³ The Act also requires any committee that makes or receives a late contribution to report and file a 24-hour contribution report.⁴

Finally, the Act requires websites and yard signs to include the disclosure “Paid for by” followed by the name of the committee.⁵

Upon review, the Enforcement Division determined that you violated the Act by failing to file two pre-election campaign statements and twelve 24-hour contribution reports, prior to the November 6, 2018 General Election. Furthermore, you failed to include the proper disclosures on

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 84200.5.

³ Section 84200.8.

⁴ Section 84203.

⁵ Section 84502.

website and yard sign advertisements. However, mitigating circumstances exist here: the committee name was included on the website and you added “Paid for by” prior to the election, you have no prior enforcement history, and all but one 24-hour report was filed prior to the 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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. Furthermore, the Enforcement Division expects you to file the appropriate campaign statements as they still require filing.

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 with any questions you may have regarding this letter.

Sincerely,



Alex J. Rose, Commission Counsel
Enforcement Division

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subd. (e)(3).