



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

September 21, 2023

Jon Early, individually and on behalf of Sonoma Citizens for Local Access Yes on Measure Y 2020

[REDACTED]

Lisa O'Connor, individually and on behalf of Sonoma Citizens for Local Access Yes on Measure Y 2020

[REDACTED]

Warning Letter Re: FPPC No. 2020-00957; Sonoma Citizens for Local Access Yes on Measure Y 2020, Jon Early, and Lisa O'Connor

Dear Jon Early, Lisa O'Connor, and Committee:

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 alleging Sonoma Citizens for Local Access Yes on Measure Y 2020 (ID# 1405798) (the "Committee") failed to timely file certain campaign statements and failed to include the proper disclosure on its website. The Enforcement Division has completed its investigation and determined that the Committee failed to timely file certain campaign statements and reports and failed to include the proper disclosure on its website.

Under the Act, if there is a change in any of the information contained in a statement of organization, an amendment must be filed within 10 days to reflect the change.² In the case of a sponsored committee, the statement of organization must include the name, street address, and telephone number of each sponsor.³ Additionally, the name of the committee shall include the name of its sponsor.⁴ In the case of a ballot measure committee, within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which is primarily formed to support a ballot measure shall include a statement similar to "a committee for Proposition ----" in any reference to the committee, including the name of the committee.⁵ The Committee violated the Act by failing to timely file an amendment to its statement of organization to disclose the Committee's sponsor and to include the sponsor's name in the

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.

² Section 84103, subd. (a).

³ Section 84102, subd. (b).

⁴ Section 84102, subd. (a).

⁵ Section 84107.

Committee's name. Additionally, the Committee violated the Act by failing to timely file an amendment to its statement of organization to change the Committee's name to include its support of Measure Y.

The Act requires ballot measure committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.⁶ The Committee violated the Act by failing to timely file four semi-annual campaign statements for the reporting periods ending June 30, 2018, December 31, 2018, June 30, 2019, and December 31, 2019, by the applicable due dates.

In addition to semi-annual campaign statements, the Act requires primarily formed ballot measure committees to file quarterly campaign statements no later than April 30 for the period January 1 through March 31, and no later than October 31 for the period July 1 through September 30.⁷ Further, each committee that receives a late contribution⁸ shall report the late contribution within 24 hours of the time it is received.⁹ The Committee violated the Act by failing to timely file quarterly campaign statements for the reporting periods ending September 30, 2018, March 31, 2019, and September 30, 2019, by the applicable due dates. Further, the Committee violated the Act by failing to timely file a 24-hour contribution report to disclose a late contribution received, by the applicable due date.

Under the Act, an internet website paid for by a committee must include the disclosures required by Sections 84502 and 84503.¹⁰ Section 84502 requires any advertisement paid for by a committee to include the words "Paid for by" followed by the name of the committee as it appears on the most recent statement of organization.¹¹ Section 84503 requires any advertisement paid for by a committee to include the words "committee major funding from" followed by the names of the top contributors¹² to the committee paying for the advertisement. If there are no contributors that qualify as top contributors, this disclosure is not required.¹³ The Committee violated the Act by failing to include the proper disclosure on its internet website.

On September 21, 2023, the Committee's streamline stipulation was approved for one count of failing to timely file an amendment to its statement of organization to change the Committee's name to include its sponsor and to disclose the sponsor's information, and for one

⁶ Section 84200, subd. (a).

⁷ Section 84202.3, subd. (a).

⁸ "Late contribution" includes a contribution, or loan, that totals in the aggregate \$1,000 or more and is made to or received by a committee formed or existing primarily to support or oppose a measure during the 90-day period preceding the date of the election, or on the date of the election, at which the measure is to be voted on. (Section 82036.)

⁹ Section 84203.

¹⁰ Section 84504.3, subd. (c).

¹¹ Section 84502, subd. (a)(1).

¹² "Top contributors" means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more. Section 84503, subd. (a).

¹³ Section 84503, subd. (a).

count of failing to include the proper disclosure on an internet website. The remaining violations are being resolved with this warning letter because the Enforcement Division has determined that further enforcement action on these violations is not warranted due to the mitigating circumstances that exist here. First, while the Committee failed to timely file an amendment to its statement of organization to change its name to include its support of Measure Y, the statement was filed prior to the relevant election. Second, while the Committee failed to timely file certain semi-annual and quarterly campaign statements, the Committee provided records to show that completed statements for the majority of the relevant reporting periods were timely provided to the Committee's filing officer. Third, while the Committee failed to timely file a 24-hour contribution report, the report was filed prior to the relevant election. Furthermore, the remaining violations at issue here caused minimal public harm, the Committee does not have a prior enforcement history, and there was no evidence of an intent to conceal the violations. 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.¹⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹⁵ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations.¹⁶ This resolution may not be used as a comparable case for other enforcement matters.¹⁷

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with

¹⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹⁵ Regulations 18360.1 and 18360.3.

¹⁶ Regulation 18360.2.

¹⁷ See Regulation 18361.5, subd. (e)(3).

administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten 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 JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Sean Hamlin [REDACTED]