



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

September 20, 2023

Jean Harwood, individually and
O/B/O Yes for Walnut Creek Supporting City Council Candidates Loella Haskew, Cindy Darling,
and Kevin Wilk 2020
[REDACTED]

Melissa Ward, individually and
O/B/O Yes for Walnut Creek Supporting City Council Candidates Loella Haskew, Cindy Darling,
and Kevin Wilk 2020
[REDACTED]

**Warning Letter: FPPC No. 2021-01148; Yes for Walnut Creek Supporting City Council
Candidates Loella Haskew, Cindy Darling, and Kevin Wilk 2020; Jean Harwood; and Melissa
Ward**

Dear Yes for Walnut Creek Supporting City Council Candidates Loella Haskew, Cindy Darling, and
Kevin Wilk 2020, Jean Harwood, and Melissa Ward:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a Commission-initiated complaint alleging Yes for Walnut Creek Supporting City Council Candidates Loella Haskew, Cindy Darling, and Kevin Wilk 2020 (“Committee”), Jean Harwood, in the capacity of treasurer, and Melissa Ward, in the capacity of principal officer, failed to timely report late independent expenditures and failed to accurately include disclaimers on advertisements created by the Committee. The Enforcement Division has completed its investigation and determined that the Committee and Harwood failed to timely file three late Independent Expenditure Reports. Additionally, the Committee and Ward failed to include proper disclosure on newspaper advertisements and two mailers. The Enforcement Division is closing this case with this warning letter.

The Act provides that a committee that makes an independent expenditure(s) of \$1,000 or more to support or oppose a candidate within 90 days of the candidate’s election to file a Form 496 within 24 hours of the time it is made.² Further, the Act requires any advertisement that is paid for by a committee, other than a political party committee or candidate-controlled committee established for an elective office of the controlling candidate, shall include the words “Ad paid for by” followed by the name of the committee.³ Additionally, a print advertisement of this nature that is designed to be individually distributed shall include the required disclosure in a printed or drawn

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 Sections 82036.5 and 84204.

³ Section 84502(a)(1).

box with a solid white background at the bottom of at least one page and set apart from other printed matter.⁴

The Committee and Harwood's actions violated the Act by failing to timely file three Late Independent Expenditure Reports within 24 hours. The Committee and Ward's actions violated the Act by failing to include the word "Ad" in front of the "Paid for by" language in the disclaimer and failed to separate the disclosure in a box with a white background each time the ads appeared. However, mitigating factors exist such that the Enforcement Division has decided to close this case with a warning letter. First, the Committee and Harwood filed the Late Independent Expenditure Reports prior to the election. Second, the Committee and Ward included some disclosure on all ads and included the name of the Committee, minimizing the public harm. Lastly, there was no prior history found of your clients violating the Act.

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 have any questions regarding this letter, please contact me at (916) 324-8787 or Bcastillo@fppc.ca.gov.

Sincerely,

Bridgette Castillo

Bridgette Castillo, Senior Commission Counsel
Enforcement Division

⁴ Section 84504.2(a)(1).