



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

December 20, 2022

Paul Russ
c/o Brian Hildreth
455 Capitol Mall, Suite 600
Sacramento, CA 95814

Via email: bhildreth@bmhlaw.com

**Re: No Action Closure Letter
FPPC No. 18/1226; Unidentified Mailer- Paul Russ Attack Ad**

Dear Brian Hildreth,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ The Enforcement Division received a sworn complaint from your client, Paul Russ, regarding certain print advertisements opposing his candidacy for Hesperia City Council in the November 6, 2018 General Election. After conducting our investigation and review of the case, we are closing this matter because the investigation was unable to determine who was responsible for the mass mailing. Therefore, there is insufficient evidence to support a finding there was a violation of the Act.

In order to fall under the jurisdiction of the Act, the person or persons responsible for the advertisements must have qualified as a “committee.” The threshold for a recipient committee is spending or receiving \$2,000 or more in a calendar year.² The threshold for an independent expenditure committee is making independent expenditures totaling \$1,000 or more in a calendar year.³ Here, because we were unable to determine who sent the mass mailing, there is insufficient evidence that either threshold was met with regard to the advertisements in question. Therefore, because we do not have sufficient evidence that the responsible person(s) qualified as a “committee,” we have closed our investigation in this matter.

If you have questions, please contact me at (916) 322-5772 or mnash@fppc.ca.gov.

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¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 82013, subdivision (a).

³ Section 82013, subdivision (b).

Sincerely,

Marissa Nash

Marissa Nash
Commission Counsel
Enforcement Division