



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

February 16, 2023

Ben Hershberger
o/b/o Ben Hershberger for County Clerk / Recorder / Registrar of Voters 2022
[REDACTED]

Catherine Carter
o/b/o Ben Hershberger for County Clerk / Recorder / Registrar of Voters 2022
Sent via email: cpc15@humboldt.edu

**Warning Letter Re: FPPC No. 2022-00553; Ben Hershberger for County Clerk / Recorder
Registrar of Voters 2022, Ben Hershberger, Catherine Carter**

Dear Ben Hershberger, Catherine Carter, and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, in response to the Enforcement Division’s pre-election outreach program, we were made aware by the Humboldt County Office of Elections that you failed to timely file pre-election campaign statements in connection with the June 7, 2022 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the first and second pre-election campaign statements, two 24-hour reports, and a statement of organization by their respective due dates.

The Act requires candidate-controlled committees to file two pre-election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as 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 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

Your actions violated the Act by failing to timely file both pre-election campaign statements, two 24-hour reports, and a statement of organization. A streamline stipulation was approved for the 24-hour reports and statement of organization. The violations for failing to timely file the first pre-election campaign statement for the reporting period of January 1, 2022 through April 23,

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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Sections 84200.5 and 84200.

³ Sections 83116.5 and 91006.

2022, and the second pre-election campaign statement for the reporting period of April 24, 2022 through May 21, 2022, are being resolved with this warning letter rather than a fine for the following reasons: you were referred as part of the proactive pre-election program; you filed both pre-election campaign statements before the election; you were an unsuccessful candidate; and you have no history of violating the Act. Please note that while the Enforcement Division is closing this matter without a fine, your filing officer may assess late filing penalties.

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.

Please feel free to contact Shaina Elkin at selkin@fppc.ca.gov or (916) 327-2020 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB: se