



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

December 21, 2022

Sent Via Email: info@mcha.net

Monterey County Hospitality Association and Chris Chidlaw

Warning Letter Re: FPPC Case No. 2020/559; In the Matter of Monterey County Hospitality Association and Chris Chidlaw

Dear Monterey County Hospitality Association and Chris Chidlaw,

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to the above referenced case against Monterey County Hospitality Association (“Committee”) and Chris Chidlaw.

The Enforcement Division has completed its review of the facts in this case. Specifically, the Enforcement Division found that the Committee misreported a non-monetary contribution of polling to John Phillips for Monterey County Supervisor District 2. The investigation found that the Committee initially reported this non-monetary contribution as an independent expenditure, although there was some cooperation resulting in coordination.

Any goods or services behested by a campaign committee at no charge are considered non-monetary (in-kind) contributions.² An expenditure that is made at the behest of or in coordination with a candidate or committee is considered a contribution to the candidate or committee.³ The Act requires committees to disclose on their campaign statements expenditures made, including non-monetary contributions.⁴

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 18109 through 18997 of Title 2 of the California Code of Regulations.

² Regulation 18215, subd. (b)(3).

³ Regulation 18225.7, subd. (g).

⁴ Section 84211, subd. (k).

You and the Committee's actions violated the Act because the Committee failed to timely disclose the payment for polling to John Phillips for Monterey County Supervisor District 2 as a non-monetary contribution May 14, 2018. However, mitigating evidence exists such that the Enforcement Division has elected to close this case with this warning letter: the Committee immediately amended the campaign statement when contacted by the Enforcement Division, the candidate timely disclosed this expenditure as a non-monetary contribution, and the Committee has no prior enforcement history.

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. But the warning letter resolution does not provide the Committee with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If the Committee wishes to avail itself of these proceedings by requesting that its 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 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 bcastillo@fppc.ca.gov and (916) 324-8787 with any questions you may have regarding this letter.

Sincerely,

Bridgette Castillo

Bridgette Castillo
Senior Commission Counsel
Enforcement Division