



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

April 5, 2023

William B. Horton
o/b/o Pinole Citizens Committee for Measure P 2018



Warning Letter Re: FPPC No. 2018-00258: Pinole Citizens Committee for Measure P 2018, William Horton

Dear William B. Horton:

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 an anonymous complaint alleging that Pinole Citizens Committee for Measure P 2018 (the “Committee”) distributed mailers, flyers, and yard signs without the proper advertisement disclosures.

Under the Act, any advertisement that is paid for by a committee shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization.² Furthermore, any print advertisement designed with a size to be individually distributed shall include the disclosures in: a solid white background with a printed or drawn box at the bottom of the advertisement, the disclosure area shall be in contrasting color and centered horizontally in the disclosure area, and the text shall be in an Arial equivalent type with at least size 10-point font.³ Yard signs require disclosures to be in an Arial equivalent type with a total height of at least 5 percent of the height of the advertisement and printed on a solid background with sufficient contrast that is easily readable by the average viewer.⁴

The Enforcement Division found that you failed to include the disclaimer “Paid for by” followed by the Committee’s name on your mailers, flyers, and yard signs.⁵ Furthermore, you failed to include the proper formatting for the disclosures by failing to put the disclosures in a printed or

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 Section 84502.

³ Section 84504.2, subd. (a).

⁴ Section 84504.2, subd. (b).

⁵ The Statute of Limitations for the yard sign violations will expire on April 14, 2023.

drawn box and in the correct position at the bottom of the advertisement. However, mitigating circumstances apply here: you raised and spent a low amount regarding the election, the campaign was unsuccessful, the Committee has terminated, and you do not have a history with enforcement. 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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 Alex Rose at arose@fppc.ca.gov or 916-327-6358 with any questions you may have regarding this letter.

Sincerely,



Alex J. Rose, Commission Counsel
Enforcement Division

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subdivision (e)(3).