



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

November 15, 2023

Karen Getman

Olson Remcho, LLP

On behalf of Citizens for Secure Senior Housing – Measure F, Michael Merriman

Via email: kgetman@olsonremcho.com

Re: Warning Letter: FPPC No. 2019-00600, In the Matter of Citizens for Secure Senior Housing – Yes on Measure F, Michael Merriman

Dear Karen Getman,

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Commission received a complaint alleging that the Committee, Citizens for Secure Senior Housing, failed to comply with the Act’s requirement that primarily formed ballot measure committees include the name of the ballot measure and the committee’s position. In addition, the complaint alleged that several advertisements did not include compliant disclosure statements. Upon review, the Enforcement Division has determined that there was a violation of the Act but will close this matter with a warning letter.

Under the Act, a primarily formed ballot measure committee is required to, within 30 days of the ballot measure being assigned a designation, update the name of the committee to include the ballot measure designation and the committee’s position to either support or oppose the measure.² The Act requires advertisements to include the full name of the committee.³ In 2018, when the violations occurred, a print advertisement paid for by a committee, such as a primarily formed ballot measure committee, was required to include the name of the committee as required by law and in the following format: the disclosure shall have a solid white background and be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. The text shall be in an Arial equivalent type with a type size of at least 10-point.⁴

The investigation determined that the committee, Citizens for Secure Senior Housing, was a primarily formed ballot measure committee in support of Measure F. The measure was considered by the voters of St. Helena during the June 4, 2019, Primary Election. The measure was assigned a ballot designation on or around February 26, 2019. However, the committee did not timely update the name of the committee to reflect their position on the ballot measure. The proper name of the committee was, “Citizens for Secure Senior Housing – Yes on Measure F.” The Committee did not comply with the Act’s naming provision until May 6, 2019. As a result, numerous advertisements,

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 Section 84107.

³ Section 84502.

⁴ Section 84504.2.

including a website, yard signs, mass mailing, internet video, newspaper ads, flyers or handouts, and doorhangers were not in compliance. In addition, the disclosure statement on the mass mailing was not printed in a white box, separate from the rest of the text or images and it did not include the language, "Paid for by."

The Committee and Merriman violated the Act because the committee failed to comply with the Act's naming provision within 30 days and issued numerous ads with noncompliant disclosures. However, the Committee acted quickly to make corrections once the Committee and Merriman were alerted to the error. Those advertisements that could be corrected were updated to reflect the correct name. Additional mitigating circumstances exist here. The principal officer had a low level of experience, the advertisements included sufficient information that a reasonable person could identify the committee responsible and their position on the relevant ballot measure, and the Committee was relatively small in the total amount it raised and spent. 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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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.

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ See Regulation 18361.5, subdivision (e)(3).

If you have any questions regarding this letter, please contact Theresa Gilbertson at tgilbertson@fppc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Gilbertson', with a stylized, flowing script.

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Sworn Complainant, Greg Reynolds