



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

November 9, 2023

Amber Maltbie, Nossaman LLP

o/b/o Matt Haney for Assembly 2022, Haney for State Assembly 2022, Matt Haney, and Stacy Owens



Warning Letter Re: FPPC No. 2023-00190; Matt Haney for Assembly 2022, Haney for State Assembly 2022, Matt Haney, and Stacy Owens

Dear Amber Maltbie:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a Commission-initiated complaint regarding the disclosure of contributions returned to contributors by Matt Haney for Assembly 2022 (ID# 1441330) and Haney for State Assembly 2022 (ID# 1442544).

The Enforcement Division has completed its investigation and review of the facts in this case. Specifically, we found that Matt Haney for Assembly 2022 failed to disclose the return of contributions totaling approximately \$16,058 on the pre-election campaign statement for the reporting period ending January 29, 2022. Similarly, we found that Haney for State Assembly 2022 failed to disclose the return of contributions totaling approximately \$14,646 on the pre-election campaign statement for the reporting period ending January 29, 2022.

The Act requires for each campaign statement to include, among other information, the total amount of expenditures² made during the period covered by the campaign statement to persons who have received \$100 or more.³ For each person to whom an expenditure of \$100 or more has been made, the relevant campaign statement must report the person’s full name, street address, amount of expenditure, and a brief description.⁴ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁵

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 The Act defines “expenditure” to include a payment. (Section 82025.) The Act defines “payment” to include a distribution or other rendering of money. (Section 82044.)

³ Section 84211, subd. (i).

⁴ Section 84211, subd. (k).

⁵ Sections 83116.5 and 91006.

Your clients violated the Act by failing to disclose the return of certain contributions on campaign statements for the applicable reporting periods, as discussed above. However, mitigating evidence exists such that the Enforcement Division has elected to close this case with a warning letter. Your clients disclosed the return of these contributions early on the semi-annual campaign statement for the reporting period ending December 31, 2021. The information was disclosed prior to the relevant election. The returned contributions at issue here amounted to a small percentage of the committees' overall activity. Both of the committees have since terminated. Your clients were confused as to the reporting requirements for returning contributions and thought disclosing the information early would provide more transparency to the public. There was no evidence of an intent to conceal the violations. Further, the candidate and committees do not have a prior history of violating this section of the Act.

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 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 days from the date of this letter.

Should you have any questions regarding this letter, please feel free to contact me at (279) 237-5910 or JRinehart@fppc.ca.gov.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart
Commission Counsel
Enforcement Division

cc: San Francisco Ethics Commission jeffrey.zumwalt@sfgov.org