



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

December 15, 2023

Michael A. Columbo
Dhillon Law Group
o/b/o Michele Williams
Via email: mcolumbo@dhillonlaw.com

Warning Letter re: FPPC No. 2020-00971; Michele Williams

Dear Michele Williams:

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 a sworn complaint against Michele Williams, alleging violations of the campaign disclosure and advertisement disclaimer provisions of the Act.

The Enforcement Division has completed its investigation of the facts in this case. Specifically, the Enforcement Division found that you failed to timely file a 24-hour Independent Expenditure Report (Form 496), a Major Donor and Independent Expenditure Committee Campaign Statement (Form 461), and failed to include required advertisement disclaimers in a mass mailing that was an independent expenditure.

"Committee" means any person who makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year.² "Independent expenditure" means an expenditure made by any person in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate.³ All independent expenditure committees must file 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, if they have made independent expenditures, during the six-month period before the closing date of the statements.⁴

"Late independent expenditure" means an independent expenditure that totals in the aggregate \$1,000 or more and is made for or against a specific candidate or measure involved in an election during the 90-day period preceding the date of the election or on the date of the election.⁵ A committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements as if it

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 82013, subd. (b).

³ Section 82031.

⁴ Section 84200, subd. (b).

⁵ Section 82036.5.

were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.⁶

Under the Act, a committee shall not send a mass mailing unless the committee's name, street address, and city are shown on the outside of each piece of mail, and a post office box may be stated in lieu of a street address if the committee's address is a matter of public record with the Secretary of State.⁷ This identification must be preceded by the words "Paid for by." The words "Paid for by" must be immediately adjacent to and above or immediately adjacent to and in front of the required identification.⁸ An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."⁹

The Enforcement Division found that you qualified as an independent expenditure committee by paying for and sending a mass mailing opposing Jacquie Gaebe leading up to the November 3, 2020 election. But, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine. You spent a low amount of money, only surpassing the committee qualification threshold by about \$250, you were inexperienced with the campaign disclosure and advertisement disclaimer provisions of the Act, the mass mailing included your Facebook page and related email address, your efforts were unsuccessful because the candidate you opposed won reelection, and you have no prior history of violating 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 (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.

⁶ Section 84204, subd (c).

⁷ Section 84305.

⁸ Regulation 18435, subd. (c).

⁹ Section 84506.5.

If you or your clients need forms, manuals, 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 (916) 322-7771 or abreron@fppc.ca.gov with any questions regarding this letter.

Sincerely,

Angela J. Breron

Angela J. Breron
Assistant Chief
Enforcement Division