



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

November 7, 2023

Taylor Jackson

c/o Stacy Shin

Kaufman Legal Group

o/b/o Yes on C For a Better San Diego - Sponsored by the San Diego Regional Chamber of Commerce San Diego & Imperial Counties Labor Council ALF-CIO and Manchester Grand Hyatt San Diego; Keith Maddox

Via E-mail Only: tjackson@kaufmanlegallgroup.com

Warning Letter Re: FPPC No. 2020-0025; Yes on C For a Better San Diego - Sponsored by the San Diego Regional Chamber of Commerce San Diego & Imperial Counties Labor Council ALF-CIO and Manchester Grand Hyatt San Diego, Keith Maddox

Dear Taylor Jackson:

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 commission-initiated investigation regarding whether Yes on C For a Better San Diego - Sponsored by the San Diego Regional Chamber of Commerce San Diego & Imperial Counties Labor Council ALF-CIO and Manchester Grand Hyatt San Diego (the “Committee”) failed to include proper advertisement disclosures on text message advertisements sent prior to the March 3, 2020 Election. The Enforcement Division has completed its investigation of the facts in this case and has found that the Committee failed to include required advertisement disclosures for a text message advertisement, including the “Paid for by” language, the committee name, and the disclosure regarding top contributors.

The Act requires text message advertisements paid for by a ballot measure committee to include the words, “Paid for by” or “With” followed by either the name of the committee or a hyperlink for an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5.² The Act also requires text message advertisements paid for by a ballot measure

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 84504.7.

committee that has top contributors to include the words “Top Funders:” followed by the names of the top two contributors of \$50,000 or more.³

The Committee’s actions violated the Act because the text message advertisement originally distributed failed to include a disclosure statement. For the following reasons, the Enforcement Division has decided to close this case with a warning letter rather than a fine: there was no evidence of an intent to violate the Act or conceal the violations, you cooperated with the Commission promptly to correct the violations and include the proper disclosures on future text message advertisements, a minimal amount was used to finance the text message advertisements compared to the Committee’s overall expenditures, and the Committee has no prior history of the same violations. 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.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ This resolution may not be used as a comparable case for other enforcement matters.⁶

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.

³ Section 84504.7.

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulation 18360.1.

⁶ See Regulation 18361.5, subdivision (e)(3).

Please feel free to contact me by e-mail at vjimmy@fppc.ca.gov or at (279) 237-5971 with any questions you may have regarding this letter.

Sincerely,

Vanessa Jimmy

Vanessa Jimmy, Commission Counsel
Enforcement Division