



January 18, 2024

Michael Tubbs
[REDACTED]

Warning Letter re: FPPC No. 2020-00676; Michael Tubbs

Dear Michael Tubbs:

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 Enforcement Division received a sworn complaint alleging that you failed to disclose a reportable economic interest on your Statements of Economic Interest (“SEIs”). The Enforcement Division has completed its review and found that you failed to timely disclose a business entity on your 2019 Annual and Candidate SEIs.

Under the Act, a candidate for an office specified in Government Code Section 87200, including a candidate for elective local office such as Mayor, is required to file a Candidate SEI disclosing their investments, interests in real property, and any income received during the immediately preceding 12 months.² The candidate SEI must be filed no later than the deadline for the declaration of candidacy.³

You violated the Act by failing to timely disclose a business entity, Deeper the Roots LLC, on your 2019 Annual SEI filed on June 1, 2020, in connection with your position as Mayor, and on your Candidate SEI filed on January 8, 2020, in connection with your candidacy for Mayor in the March 3, 2020, Primary Election. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because you have since filed amendments to both SEIs to disclose Deeper the Roots LLC as a business entity, and you have no prior violation of this section.

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

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.

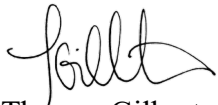
² Section 87201.

³ *Ibid.*

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.

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 'Gilbertson', with a stylized flourish at the end.

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division