



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

January 26, 2024

Brian Hildreth

O/B/O Richard Montgomery, Montgomery 4 Council 2020 and John McLellan

Via Email: bhildreth@bmhlaw.com

**Warning Letter: FPPC No. 2020-00824; Montgomery for Council 2016, Montgomery 4 Council 2020, Richard Montgomery and John McLellan**

Dear Brian Hildreth:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to a sworn complaint filed against your clients, Richard Montgomery and Montgomery for Council 2016 (the “Committee 2016”) alleging violations of the Act’s campaign disclosure provisions.<sup>2</sup> The Committee 2016 redesignated to Montgomery for Council 2020 (the “Committee 2020”). Montgomery was the treasurer of Committee 2020 until August 3, 2020, when John McLellan was named treasurer.

The Enforcement Division has completed its review of the facts in this case. The Enforcement Division determined the Committee 2020 and Montgomery failed to timely file the Semi-Annual campaign statement for the reporting period July 1, 2019, through December 31, 2019. Additionally, the Committee 2020, Montgomery and McLellan failed to file the Statement of Organization Termination properly with the Secretary of State’s (“SOS”) Office, failed to timely disclose \$9,974 in expenditures on the Pre-Election campaign statement for the reporting period July 1, 2020, through September 19, 2020 and failed to timely disclose \$1,500 in payments made for Social Media and Print Media to Liz Aloori on the Semi-Annual campaign statement for the period October 18, 2020, through December 31, 2020.

The Act requires candidate-controlled committees to file two Pre-Election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as Semi-Annual 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.<sup>3</sup> The obligation to file

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<sup>1</sup> 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.

<sup>2</sup> The complaint alleged the Committee failed to timely disclose occupation and employer information on the pre-election campaign statement for the reporting period January 1, 2017, through February 15, 2017 and the semi-annual campaign statement for the reporting period February 16, 2017, through June 30, 2017. On June 8, 2021, the Committee filed an amendment disclosing additional occupation and employer information on the above-named pre-election period. However, under Section 91000.5, the Act’s statute of limitations to pursue administrative prosecution is five years. Thus, these reporting allegations are outside the Act’s statute of limitations.

<sup>3</sup> Sections 84200.5 and 84200.

campaign statements continues until the candidate or treasurer terminates the committee. Additionally, the Act requires committees to disclose all contributions received and expenditures made during the period covered by the campaign statement. Specifically, a campaign statement must disclose all expenditures of \$100 or more made during the period.<sup>4</sup>

The Committee 2020 and Montgomery violated the Act by failing to timely file the Semi-Annual campaign statement for the reporting period July 1, 2019, through December 31, 2019. Additionally, the Committee 2020, Montgomery and McLellan violated the Act by failing to timely disclose expenditures for reporting periods July 1, 2020, through September 19, 2020; October 18, 2020, through December 31, 2020; and failing to file the Statement of Organization Termination statement with the SOS. However, the Enforcement Division has decided to resolve these violations with this Warning Letter rather than a penalty because: the Committee 2020 filed amendments to disclose the expenditures largely before the election, the late filed Semi-Annual campaign statement reported no activity during that period, the Committee, McLellan and Montgomery have properly filed the Statement of Organization Termination statement with the SOS and the Committee 2020, McLellan and Montgomery have no prior Enforcement history.

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.

If you have any questions regarding this letter, please contact me at (279) 237-3764 or [Bcastillo@fppc.ca.gov](mailto:Bcastillo@fppc.ca.gov).

Sincerely,  
**Bridgette Castillo**

Bridgette Castillo, Senior Commission Counsel  
Enforcement Division

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<sup>4</sup> Section 84211 subd. (b).