



November 19, 2024

Glenn Hendricks
Yes on Measure B 2020 Committee
[REDACTED]

Warning Letter re: FPPC Case No. 2020-00565; Glenn Hendricks; Yes on Measure B 2020 Committee

Dear Mr. Hendricks:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ This case arises from a sworn complaint regarding you and the above-referenced committee. The Enforcement Division is closing this case with this warning letter, as discussed below.

On March 3, 2020, in the City of Sunnyvale, Measure B asked the following ballot question: “Shall Article VI of the City of Sunnyvale Charter be amended to establish ‘by-district’ elections for six Council members required to be residents of a district and elected only by the voters of that district, and one Mayor who will be directly elected by all City voters; change term limits to permit service on the Council for three consecutive terms but only two as Council member or Mayor; and make other conforming amendments?”

Measure B passed with approximately 61.82% of the vote.

A few months before the election, the Yes on Measure B 2020 Committee filed an initial Form 410 statement of organization in December 2019 with the City of Sunnyvale, disclosing that you were the treasurer and principal officer of the committee. At the time, you also served on the Sunnyvale City Council—and controlled a committee known as Glenn Hendricks for City Council 2018.

Thus, you were a candidate at the time when the Measure B committee was formed, and as the principal officer of the Measure B committee, you were a controlling candidate of the committee.² However, you were not identified as a controlling candidate on the Measure B committee’s Form 410 statement of organization in violation of Section 84102, subdivision (e). Also, as a controlling candidate, your last name should have been included as part of the Measure B committee’s name for all purposes, including identification of the committee in print advertisements and on campaign filings, but this was not done—in violation of Regulation 18402, subdivision (c)(1), and Section 84504.2. In mitigation, significant information was available to the public regarding your connection to the committee. Your role as principal officer of the committee was a matter of public record, and your financial support for the committee was timely reported on campaign filings. Also, you no longer serve on the Sunnyvale City Council.

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2020).

² Sections 82007, subdivisions (a)(3) and (b); 82016; 84214; and Regulation 18404.

On Form 497 24-hour reports and Form 460 campaign statements, you and the Measure B committee reported receiving multiple contributions from you as an individual contributor (including a \$19,000 loan), but required occupation and employer information for you was not provided—in violation of Section 84211, subdivisions (f)(3) and (4). (Instead of disclosing that you were a member of the Sunnyvale City Council, you disclosed that you were retired.)

In early 2020, you qualified as a major donor committee when you contributed \$19,000 to the Measure B committee.³ When you made this contribution, you were required to disclose it on a Form 497 24-hour contribution report, which was required to be filed by you as a major donor, but you failed to do so in violation of Section 84203. Also, you failed to file the required Form 461 major donor campaign statement for the reporting period of January 1 through June 30, 2020 by the deadline of July 31, 2020—in violation of Section 84200, subdivision (b).

In mitigation, your contribution to the Measure B committee was timely reported by the committee. You do not have a history of prior, similar violations. It does not appear that your violations were intentional, and as noted above, you no longer serve on the Sunnyvale City Council.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its 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. This warning letter may be considered in any future enforcement actions.

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 need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

³ Section 82013, subdivision (c).

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

⁵ Regulations 18360.1 and 18360.3.

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

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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cc: Stephen Scandalis (sworn complainant)