



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

April 15, 2024

Stephen Murphy for Berkeley City Council 2020
Stephen Murphy and Linda Perry

[REDACTED]

Via email: [REDACTED]

Warning Letter Re: FPPC No. 2021-00589; Stephen Murphy for Berkeley City Council 2020, Stephen Murphy and Linda Perry

Dear Respondents,

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 referral from the City of Berkeley alleging that the committee, Stephen Murphy for Berkeley City Council 2020 (the “Committee”), failed to timely file certain semi-annual campaign statements. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file several semi-annual statements.

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 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

Your actions violated the Act because the Committee failed to timely file the semi-annual campaign statement for the periods ending June 30, 2019, June 30, 2020, December 31, 2020, June 30, 2021, December 31, 2021, and June 30, 2022 by the applicable deadlines. However, we are closing this case with this warning letter because the violations at issue here caused minimal public harm, there was very little activity to report, you were unsuccessful as a candidate, you

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 Sections 84200.5 and 84200.

³ Sections 83116.5 and 91006.

and the Committee have no prior history of violating the Act, and the Committee has already terminated.

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 your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your client wishes to avail himself of these proceedings by requesting that his 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 forms or a manual, 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 jrivera@fppc.ca.gov or (279) 237-5913 with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division

cc: City of Berkeley clerk@cityofberkeley.info and mnumainville@cityofberkeley.info