



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

November 15, 2024

Woodsiders for Outdoor Dining – YES on A
Alexander Tauber
[REDACTED]

Peter Bailey
[REDACTED]

Via email: [REDACTED]

Warning Letter re: FPPC Case No. 2021-00959; Woodsiders for Outdoor Dining – YES on A, Alexander Tauber, and Peter Bailey

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Commission received a sworn complaint alleging that the committee Woodsiders for Outdoor Dining – YES on A (the “Committee”) failed to comply with the committee naming requirements of the Act. The Enforcement Division has completed its review of the matter and found that you failed to timely file an amendment to the Committee’s statement of organization updating the committee name and failed to include the proper disclaimers on three different print advertisements.

Under the Act, a primarily formed ballot measure committee is required to, within 30 days of the ballot measure being assigned a designation, update the name of the committee to include the ballot measure designation and the committee’s position to either support or oppose the measure in any reference to the committee required by law, including on the statement of organization.² Further, the Act requires advertisements to include the full name of the committee, preceded by the phrase “Ad paid for by.”³

The investigation in this case determined that the Committee, a primarily formed ballot measure committee supporting San Mateo County Measure A in the November 2, 2021 election, failed to timely update its name to reflect its support of Measure A. The measure was assigned its

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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84107.

³ Section 84502.

ballot designation on August 2, 2021. However, the committee did not update its name within 30 days as required by the Act. In particular, the Committee failed to file an amendment to its statement of organization changing its name, and failed to print the full updated name of the Committee on a yard sign and two mailers disseminated before the election. Further, the subject yard sign failed to include “Ad paid for by” or any committee name, and the mailers failed to include the word “Ad” prior to the phrase “paid for by.” Nevertheless, there are mitigating factors present here. The Committee filed an amendment to its statement of organization, updating the name of the committee, prior to the election; the incorrect name was not misleading or ambiguous; the Committee had a low level of financial activity for the reporting period during which the committee name was incorrect; the yard sign advertisements were corrected; the Committee has terminated; and you have no prior history of violating the same sections of the Act. 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 Regulations 18360.1 and 18360.2 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.

Please feel free to contact me at cburton@fppc.ca.gov or (279) 237-3769 with any questions you may have regarding this letter.

Sincerely,

⁴ <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, subd. (e)(3).

Christopher B. Burton

Christopher B. Burton
Assistant Chief of Enforcement
Fair Political Practices Commission