



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

September 27, 2024

Sent Via Email: anders@andersfung.org
Anders Fung, Individually and
O/B/O Anders Fung for Millbrae City Council 2020

Warning Letter Re: FPPC No. 2020-00821; In the Matter of Anders Fung for Millbrae City Council 2020 and Anders Fung

Dear Anders Fung and Anders Fung for Millbrae City Council 2020:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act.¹ This letter is in response to multiple sworn complaints alleging Anders Fung and Anders Fung for Millbrae City Council 2020 (“Committee”) failed to: include proper advertisement disclaimers on three mailers; properly report occupation and employer information on campaign statements; and timely disclose the responsible officer of an LLC on a 24-Hour Contribution Report in connection with the November 3, 2020 General Election. The Enforcement Division has completed its review of the facts of this case. Specifically, we found that you and the Committee failed to include proper advertisement disclaimers on three mailers and failed to timely disclose the responsible officer of an LLC on a 24-Hour Contribution Report.

The Act and its regulations are amended from time to time. The violations in this case occurred in 2020. As such, the legal references pertain to the Act’s provisions at the time of the violations.

The Act requires that a mass mailing disclose the name, street address, and city of the controlled committee that sent the mailing.² Under the Act, the words “Paid for by” must precede the identifying information on the mass mailing.³ A mass mailing has been made when more than 200 substantially similar pieces of mail are sent in a calendar month.⁴ The committee that pays for the largest portion of expenditures related to a mass mailing, including design, printing, and postage, is considered the sender.⁵

Further, at the core of the Act’s campaign reporting system is the requirement that candidates and their controlled committees must file campaign statements and reports for certain reporting periods and by certain deadlines, disclosing specific information on their campaign statements and reports.⁶ For example, each candidate or committee that makes or receives a “late contribution” must file a

¹The 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 84305, subd. (a).

³ Regulation 18435, subd. (c).

⁴ Section 82041.5 and Regulation 18435, subd. (a).

⁵ Regulation 18435, subd. (b).

⁶ Sections 84200, *et seq.*

24-Hour Contribution Report—within 24 hours of making or receiving the contribution.⁷ In the case of a candidate who is on the ballot for an election, a “late contribution” includes any contribution of \$1,000 or more that is received by the candidate or their committee within 90 days before the election—or on the date of the election.⁸ Further, a committee that receives a late contribution from an LLC prior to an election must file a 24-Hour Contribution Report, disclosing, among other requirements, the name of the responsible officer for the LLC.⁹

You and the Committee violated the Act because three mass mailers failed to include “Paid for by” language with the Committee street address and city. Further, you and the Committee failed to timely disclose the responsible officer of an LLC on a 24-Hour Contribution Report. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because you disclosed the name of the Committee on the mass mailers, the disclosure of the responsible officer of an LLC on a 24-Hour Contribution Report became effective less than one month before the violation, you amended the 24-Hour Contribution Report to include the responsible officer on the relevant 24-Hour Contribution Report well before the relevant election, the Committee is now terminated, and you and the Committee have no prior history of violating this section of the Act.

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. 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 your clients wish to avail themselves of these proceedings by requesting that this 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 questions regarding this letter, please contact me at bcastillo@fppc.ca.gov or (279) 237-3764.

Sincerely,

Bridgette Castillo

Bridgette Castillo
Senior Commission Counsel
Enforcement Division

⁷ Section 84203, subds. (a) and (b).

⁸ Section 82036.

⁹ Section 84203, subd. (a) and Regulation 18421.10 (effective 8/21/2020).