



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

September 19, 2024

Sent Via Email: [REDACTED]
Bevan Dufty, Individually and
O/B/O Bevan Dufty for BART Board 2020

Matthew Beyer, Individually as Treasurer and
O/B/O Bevan Dufty for BART Board 2020
[REDACTED]

Warning Letter Re: FPPC No. 2020-01062; In the Matter of Bevan Dufty for BART Board 2020, Bevan Dufty, and Matthew Beyer

Dear Bevan Dufty, Matthew Beyer, and Bevan Dufty for BART Board 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 a sworn complaint alleging Bevan Dufty, Matthew Beyer, and Bevan Dufty for BART Board 2020 (“Committee”) failed to timely file 24-Hour Contribution Reports in connection with the November 3, 2020 General Election and failed to properly disclose the amount of a contribution on a 24-Hour Contribution Report. The Enforcement Division has completed its review of the facts of this case. Specifically, we found that you failed to timely file two 24-Hour Contribution Reports and failed to timely disclose the amount of a contribution received on a 24-Hour Contribution Report by the applicable deadline.

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.² For example, each candidate or committee that makes or receives a “late contribution” must file a 24-Hour Contribution Report—within 24 hours of making or receiving the contribution.³ 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.⁴ Further, the Act requires candidates, treasurers and their controlled committees to disclose specific information on their campaign statements and reports. The Act requires a committee that receives a late contribution prior to an election must file a 24-Hour Contribution Report, disclosing, among other requirements,

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 Sections 84200, *et seq.*

³ Section 84203, subds. (a) and (b).

⁴ Section 82036.

the full name and address of the contributor, the date the contribution was received, and the amount of the contribution.⁵

You each violated the Act because you failed to timely file two 24-Hour Contribution Reports within 24 hours of receiving late contributions in the amounts of \$2,500 each on or about September 2, 2020 and failed to report the amount of the late contribution received on October 20, 2020 on the relevant 24-Hour Contribution Report. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because you filed the two 24-Hour Contribution Reports well before the election, timely filed the 24-Hour Contribution Report disclosing the name of the contributor, subsequently filed an amendment to disclose the amount of the contribution on the date of the 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

⁵ Section 84203, subd. (a).