



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

September 19, 2024

San Mateans for Responsive Government
c/o Karen Herrel
Email: [REDACTED]

Warning Letter Re: FPPC No. 20/864, San Mateans for Responsive Government

Dear Respondent:

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 sworn complaint filed against you alleging various violations of the Act. The Enforcement Division has completed its review of the facts in this case. Specifically, we determined that the Committee, San Mateans for Responsive Government (“the Committee”), failed to amend the name of the committee, a primarily formed ballot measure committee, to include the name “Yes on Y/No on R.” In addition, the failure to comply with the Act’s naming violations caused advertisement disclosure statements to be incomplete.

The Act requires that primarily formed ballot measure committees amend the name of the committee to include a statement indicating support or opposition to the measure or measures that the committee was formed in response to.² The Act defines “advertisement” as any communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).³

The Committee was a primarily formed ballot measure committee, formed to support Measure Y and oppose Measure R. In this case, the Committee should have included the phrase “Yes on Y/No on R” in its name. In addition, the failure to comply with the Act’s naming violations caused mailers to be sent out with an incomplete committee name in the disclosure statement. However, the Committee has no prior history of violating the Act, the Committee made good faith efforts to comply with the Act by amending its name before the election and the Committee’s subsequent mailers included the correct disclosure statement. Based on the

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 Section 84107.

³ Section 84501, subd. (a)(1).

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 Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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 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 10 days from the date of this letter.

If you need forms, 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 279-237-5913 or jrivera@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera,
Commission Counsel
Enforcement Division

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 Regulation 18360.2.

⁷ See Regulation 18361.5, subdivision (e)(3).