



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811 • (916) 322-5660

January 9, 2026

William B. Tunick
o/b/o San Marino Unified School District and Jeff Wilson
Via Email: wtunick@DWKesq.com

Advisory Letter re FPPC No. 2021-00142; San Marino Unified School District and Jeff Wilson

Dear San Marino Unified School District and Jeff Wilson:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint regarding whether the San Marino Unified School District (“San Marino USD”) sent prohibited mass mailings at public expense by sending a mailer regarding Measure E, a local ballot measure on the March 2, 2021 ballot. The mailer included a single-page letter dated January 19, 2021 on San Marino Unified School District letterhead and signed by then-Superintendent, Jeff Wilson, with an accompanying single-page “Questions and Answers about Measure E.” The Enforcement Division completed its review and investigation of the case and will close its file on this matter without prosecution.

The Act prohibits a newsletter or other mass mailing from being sent at public expense.² A mailing is prohibited under the Act if all of the following criteria are met: (1) the item sent is a tangible item and is delivered to the recipient at their residence, place of employment, or post office box; (2) the item sent features³ an elected officer affiliated with the agency⁴ that produces or sends the mailing; (3) the agency pays any costs for distribution of the item, or pays more than \$50 toward the design, production, or printing costs for the item; and (4) more than 200 substantially similar items are sent in a single calendar month.⁵

Additionally, a campaign related mailing sent at public expense is prohibited under the Act if the criteria discussed above in (1), (3), and (4) are met, and the item sent either: (a) expressly

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 89001.

³ “Features an elected officer” means that the item mailed includes the elected officer’s photograph or signature or singles out the elected officer by the manner of display of his or her name or office in the layout of the document. (Section 89002(c)(2).)

⁴ “Elected officer affiliated with the agency” means an elected officer who is a member, officer, or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency or appoints one or more members of the agency. (Section 89002(c)(1).)

⁵ Section 89002(a).

advocates the passage or defeat of a clearly identified measure, or (b) when taken as a whole and in context, unambiguously urges a particular result in an election.⁶ An item unambiguously urges a particular result in an election if it meets either of the following criteria: (a) it is clearly campaign material or campaign activity; or (b) when considering style, tenor, and timing of the communication, it can be reasonably characterized as campaign material and is not a fair presentation of facts serving only an informational purpose.⁷ This prohibition limits the public subsidy of political campaigns, which would grant an unfair advantage to governmental bodies that desire to use public resources in pursuit of favorable election results.

Our review and investigation of the facts of this case found that the letter dated January 19, 2021 and accompanying “Questions and Answers about Measure E” sent by the San Marino Unified School District did not contain express advocacy. The two mailed documents were generally informational, not argumentative, moderate in tone, did not include any possibly inflammatory imagery, and restated much of the ballot measure language. However, parts of the letter and Q&A came close to meeting the standard of unambiguously urging a particular result in an election. For example, both the letter and Q&A included statements about personnel layoffs and presented the benefits of passing Measure E, generally only stating the potential positive impacts and not including much information about the potential negative impacts or consequences of the measure. However, the statements in the letter and Q&A are not sufficiently inflammatory and argumentative to conclude that the mass mailing constituted campaign activity rather than informational material. Additionally, Measure E failed in the March 2021 election. Lastly, the letter dated January 19, 2021 displayed the Superintendent’s name and signature but that position is not an elected officer pursuant to definition.⁸ Thus, the Enforcement Division cannot conclude that the mass mailings in question violated the Act’s prohibition against mass mailings at public expense. Therefore, we are closing this matter with this advisory letter.

Although we are closing our file, please be advised of the provisions in the Act and regulations regarding campaign-related communications. If you need additional guidance, you may contact the Commission’s Advice team by sending an email to advice@fppc.ca.gov. There is also information pertaining to campaign-related communications and advertisement disclosure requirements available on the Commission’s website at www.fppc.ca.gov and www.fppc.ca.gov/learn/campaign-rules/campaign-related-communications-at-public-expense.html.

⁶ Regulation 18901.1(a).

⁷ Regulation 18901.1(c).

⁸ Section 89002(c)(1).

Should you have any questions regarding this letter, please feel free to contact me at vjimmy@fppc.ca.gov or (279) 237-5971.

Sincerely,

Vanessa Jimmy

Vanessa Jimmy
Commission Counsel, Enforcement Division

Cc: Sworn Complainant