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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

## INTRODUCTION

Respondent County of San Benito (the “County”) is a county located in the central coast region of California. Situated in the California Coast Ranges, the County had a population of 67,643, as of the year the violations occurred in 2022.<sup>1</sup> The County seat is the city of Hollister.

Under the Political Reform Act (the “Act”),<sup>2</sup> campaign-related mailings are prohibited from being sent at public expense if they unambiguously urge the passage or defeat of a ballot measure. The Act also maintains that a local government agency that spends \$1,000 or more in public funds to advocate for or

<sup>1</sup> United States Census Bureau.

<sup>2</sup> The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 against a ballot measure qualifies as a campaign committee and must comply with all provisions of the  
2 Act related to campaign committees, including filing campaign statements and reports. Additionally,  
3 campaign-related mailings and advertisements must adhere to certain advertising disclaimer regulations.  
4 Respondent violated the Act by distributing a campaign-related mailing at public expense, failing to  
5 include a disclosure statement on the mailer, and failing to timely file a semi-annual campaign statement  
6 and a 24-Hour Independent Expenditure Report.

7 **SUMMARY OF THE LAW**

8 The violations in this case occurred in 2022, so all legal references and discussions of the law  
9 pertain to the Act's provisions as they existed at that time.

10 **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

11 When enacting the Political Reform Act, the people of California found and declared that  
12 previous laws regulating political practices suffered from inadequate enforcement by state and local  
13 authorities.<sup>3</sup> For this reason, the Act is to be construed liberally to accomplish its purposes.<sup>4</sup>

14 One purpose of the Act is to promote transparency by ensuring that expenditures made in  
15 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper  
16 practices are inhibited.<sup>5</sup> In furtherance of this purpose, the Act establishes a comprehensive campaign  
17 reporting system<sup>6</sup> and requires any committee that supports or opposes a ballot measure to print its  
18 name as part of any advertisement.<sup>7</sup> Another purpose of the Act is to provide adequate enforcement  
19 mechanisms so the Act will be “vigorously enforced.”<sup>8</sup>

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24 <sup>3</sup> Section 81001, subd. (h).

25 <sup>4</sup> Section 81003.

26 <sup>5</sup> Section 81002, subd. (a).

27 <sup>6</sup> Sections 84200, *et seq.*

<sup>7</sup> Section 84506.

28 <sup>8</sup> Section 81002, subd. (f).

## **Prohibited Campaign Related Mailing Sent at Public Expense**

The Act prohibits sending a newsletter or other mailing at public expense.<sup>9</sup> While the Act seems to be written in absolute terms, regulations have focused this prohibition to reflect the intent of the Act. Specifically, newsletters and other mailings are prohibited if (1) the item is a tangible item; (2) the item expressly advocates the qualification, passage, or defeat of a clearly identified measure, or unambiguously urges a particular result in an election; (3) public moneys are paid to distribute the item, or to prepare the item, for more than \$50, with the intent of sending the item; and (4) more than 200 substantially similar items are sent during the course of an election.<sup>10</sup>

A communication “expressly advocates” the nomination, election, or defeat of a candidate or the qualification, passage, or defeat of a measure if it contains express words of advocacy such as “vote for,” “elect,” “support,” “cast your ballot,” “vote against,” “defeat,” “reject,” “sign petitions for.”<sup>11</sup> The following nonexhaustive examples, referring to candidates or measures on the ballot in an upcoming election, illustrate statements that in most contexts would not be susceptible of any reasonable interpretation other than as an appeal to vote for or against a specific candidate or measure: “Smith’s the One”; “No Measure A”; “Rally ‘round O’Malley”; “Create jobs with Measure X”; “Only Nancy Brown can clean out City Hall”; “Proposition 123 - your last chance to save California”; “Joe Green will earn your trust”; “Bob Boone is unqualified for office and a special-interest puppet”; “Shirley Hall - bad for California, bad for you.”<sup>12</sup>

If a mailing does not contain express language it still may unambiguously urge a particular result in an election in one of two ways: (1) when it clearly is campaign material or campaign activity, such as bumper stickers, billboards, door-to-door canvassing, posters, advertising “floats,” or mass media advertising;<sup>13</sup> or (2) when the style, tenor, and timing of the communication can be reasonably characterized as campaign material and not a fair presentation of facts serving only an informational

<sup>9</sup> Section 89001.

<sup>10</sup> Regulation 18901.1, subd. (a).

<sup>11</sup> Section 82025, subd. (c)(2).

<sup>12</sup> Section 82025, subd. (c)(2)(B).

<sup>13</sup> Regulation 18420.1, subd. (b)(1).

1 purpose.<sup>14</sup> Some factors to consider when assessing style, tenor, and timing include, but are not limited  
2 to whether the communication is (1) funded from a special appropriation related to the measure as  
3 opposed to a general appropriation; (2) consistent with the normal communication pattern for the  
4 agency; (3) consistent with the style of other communications issued by the agency; and (4) using  
5 inflammatory or argumentative language.<sup>15</sup>

6 The Commission adopted Regulation 18420.1 based on the California Supreme Court's decision  
7 in *Vargas v. City of Salinas, et. al.* (2009) 46 Cal. 4th 1.<sup>16</sup> In *Vargas*, the Court relied heavily on its  
8 decision in *Stanson v. Mott* (1976) 17 Cal. 3d 206. *Stanson* established the analysis for determining  
9 when communications by a governmental agency that do not contain express advocacy still constitute  
10 campaign activity. The Court went on to conclude that certain publicly financed literature that is not  
11 clearly campaign material and that purports to contain only relevant information can be prohibited  
12 campaign activity depending on the "style, tenor and timing of the publication."<sup>17</sup>

13 Neither *Vargas* nor *Stanson* directly concerned any provisions of the Act. They were decided  
14 based on the constitutional prohibition against unauthorized use of public funds. But, since in those  
15 cases the State Supreme Court had defined when government agencies are prohibited from using public  
16 moneys to pay for communications related to ballot measures, the Commission adopted the parameters  
17 described in *Vargas* for determining when a government agency makes contributions and independent  
18 expenditures under the Act.<sup>18</sup>

### 19 **Payments by State or Local Agencies for a Campaign-Related Communication**

20 California Code of Regulations Section 18420.1 addresses the use of public funds by state and  
21 local governmental agencies for communications that are campaign-related. Under this regulation, a  
22 payment made by a state or local agency, or by any person acting on its behalf, in connection with a  
23 communication to the public that expressly advocates the election or defeat of a clearly identified

25 <sup>14</sup> Regulation 18420.1, subd. (b)(2).

26 <sup>15</sup> Regulation 18420.1, subd. (d).

27 <sup>16</sup> Fair Political Practices Commission, Minutes of Meeting, Public Session, Sept. 10, 2009, item no. 25, page 3.

<sup>17</sup> *Id.* at 222.

28 <sup>18</sup> Fair Political Practices Commission, Minutes of Meeting, Public Session, Sept. 10, 2009, item no. 25, page 3.

1 candidate or measure, or that unambiguously urges a particular electoral outcome when considered as a  
2 whole and in context, is classified either as a contribution or an independent expenditure under the  
3 Political Reform Act.<sup>19</sup>

4 A payment is treated as a contribution if made at the behest of the affected candidate or  
5 committee, and as an independent expenditure if made independently of any candidate or committee.<sup>20</sup>  
6 The regulation defines “unambiguous urging” to include communications that are clearly campaign  
7 material or activity—such as mass media advertisements, signs, or canvassing—as well as materials  
8 that, due to their style, tone, and timing, are reasonably characterized as campaign materials rather than  
9 informational communications.<sup>21</sup>

10 Any public expenditure related to such communications, whether direct or indirect, is covered  
11 by this regulation. This includes costs related to designing, producing, printing, or formulating content,  
12 and encompasses expenditures for polling, research, computer services, software, programming, and  
13 the salaries or fees of agency staff, consultants, or vendors involved in the communication.<sup>22</sup>

14 In assessing whether a communication is campaign-related, relevant considerations include the  
15 source of funding (particularly if from a special appropriation tied to a measure), consistency with the  
16 agency’s usual communication practices, and the presence of language that is inflammatory, persuasive,  
17 or otherwise lacks neutrality.<sup>23</sup>

18 However, certain communications are not considered contributions or independent expenditures  
19 under this regulation. These exceptions include agency reports evaluating a measure when made  
20 available upon request; public announcements of agency positions in public meetings or within official  
21 agendas or minutes; written arguments submitted for inclusion in a voter information pamphlet; views  
22 presented by agency staff at the request of outside organizations in a public meeting; and any  
23 communication clearly authorized by law.<sup>24</sup>

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25 <sup>19</sup> Regulation 18420.1, subd. (a).

<sup>20</sup> Regulation 18420.1, subds. (a)(1) and (2).

<sup>21</sup> Regulation 18420.1, subds. (b)(1) and (2).

<sup>22</sup> Regulation 18420.1, subd. (c).

<sup>23</sup> Regulation 18420.1, subd. (d).

<sup>24</sup> Regulation 18420.1, subd. (e).

1       Finally, any agency qualifying as a “committee” under Government Code Section 82013 is  
2 required to comply with campaign reporting obligations under the Political Reform Act.<sup>25</sup>

3       **Advertisement Disclosures**

4       An advertisement includes any general or public communication which is authorized and paid  
5 for by a committee for the purpose of supporting or opposing one or more ballot measures.<sup>26</sup> More  
6 importantly, such an advertisement, that is paid for by an independent expenditure, must include a  
7 disclosure statement that identifies the name of the committee. “Ad paid for by” should immediately  
8 precede the committee’s name as it appears on campaign statements.<sup>27</sup> Finally, the law requires that the  
9 disclosure area look a specific way, including, the text appearing in an Arial or equivalent type of at  
10 least 10-point and being in a contrasting color and printed or drawn on the bottom of at least one page  
11 that is set apart from any other printed matter.<sup>28</sup>

12       **Campaign Statements and Reports**

13       A committee is any person or combination of persons who, in a calendar year, receives  
14 contributions totaling \$2,000 or more; makes independent expenditures totaling \$1,000 or more; or  
15 makes contributions totaling \$10,000 or more to or at the behest of candidates or other committees.<sup>29</sup>  
16 When a state or local governmental agency uses public moneys for a communication that (1) expressly  
17 advocates for or against a clearly identified candidate or ballot measure or (2) unambiguously urges a  
18 particular result in an election, the Act identifies that payment as an independent expenditure.<sup>30</sup> The  
19 standard for determining if a communication by a public agency qualifies as an independent  
20 expenditure is the same as the standard for the campaign related mailings sent at public expense  
21 discussed above.<sup>31</sup>

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24       <sup>25</sup> Regulation 18420.1, subd. (f).

25       <sup>26</sup> Section 84501.

26       <sup>27</sup> Sections 84502, subd. (b) and 84211, subd. (o).

27       <sup>28</sup> Section 84504.2.

28       <sup>29</sup> Section 82013.

29       <sup>30</sup> Regulation 18420.1, subd. (a).

30       <sup>31</sup> See Regulations 184201.1 and 18901.1.

If a state or local governmental agency distributes communications that qualify as campaign expenditures and cost \$1,000 or more in a calendar year, it qualifies as an independent expenditure committee.<sup>32</sup> A committee must file a late independent expenditure report within 24 hours of making an expenditure of \$1,000 or more during the 90 days prior to an election.<sup>33</sup> An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.<sup>34</sup> The report must include the committee's name, committee's address, number or letter of the measure, jurisdiction of the measure, amount, date, and description of goods or services for which the late independent expenditure was made.<sup>35</sup> In addition to the 24-Hour Independent Expenditure Report ("Form 496"), an independent expenditure committee must also file an Independent Expenditure Campaign Statement ("Form 461"), which includes some of the information reported on the Form 496 and additional information which provides more transparency.<sup>36</sup> Requiring local government agencies to file campaign statements and reports furthers the Act's purpose in disclosing expenditures made in election campaigns so that voters are fully informed and improper practices are inhibited.<sup>37</sup>

#### **SUMMARY OF THE FACTS**

Measure Q was a local zoning, land use, and development ballot initiative in San Benito County on the November 8, 2022 General Election. A "yes" vote on Measure Q supported removing the commercial thoroughfare and commercial regional node land use designations from the General Plan and requiring a public vote for future amendments redesignating agriculture, rangeland, or rural land use designations for other uses. A simple majority vote was required for approval of Measure Q, but it was defeated with 56.09% (10,787) voting no.

#### **Newsletter**

On or around September 22, 2022, prior to the election, Clifford Moss, a strategic communications company, distributed a five-page newsletter (the "Newsletter"), on behalf of the

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<sup>32</sup> Regulation 18420, subd. (d).

<sup>33</sup> Sections 82036.5 and 84204.

<sup>34</sup> Section 82025 (a).

<sup>35</sup> Section 84204.

<sup>36</sup> Section 84200, subd. (b).

<sup>37</sup> Section 81002, subd. (a).

1 County, in opposition to Measure Q to approximately 18,900 local residents. The County paid  
2 \$19,785.65 to Clifford Moss for the production and distribution of the Newsletter on October 1, 2022.  
3 The Newsletter prominently featured the official County seal in color at the top left of the “Dear  
4 Resident” page.

5 The tone and content of the Newsletter urge opposition to Measure Q. The Newsletter does not  
6 expressly oppose Measure Q, but the structure of the Newsletter clearly and unfairly emphasizes the  
7 negative consequences of Measure Q.

8 The argumentative strategy employed by the County is layered. First, the Newsletter lays out a  
9 problem, the County’s poor financial state. For example, the page titled “Facts Regarding San Benito  
10 County” (“Page 3”) states that the County is “one of the poorest funded in the state,” and is in desperate  
11 need of economic and road improvements. Second, the Newsletter continues by noting the County’s  
12 problems and causes. For example, Page 3 states the County’s “roads [are] deteriorating” due to  
13 “underinvestment” and that current revenue is “not sufficient to cover the rising costs of all needed road  
14 improvements.” Third, the Newsletter links the problem and cause, revenue shortfall, to the lack of  
15 commercial and industrial development in the County, which Measure Q aims to curb. The County  
16 makes its intention to correct the aforementioned problem known by stating on Page 3, “The goal of  
17 County government is to provide the best possible community for our residents by providing  
18 infrastructure and services...”

19 Thus, the Newsletter opposes Measure Q by stating, Measure Q “will have a significant impact  
20 on future commercial and industrial development in the County.” Therefore, Measure Q will keep the  
21 County poor and the infrastructure in an unacceptable condition.

22 The page titled “Information Related to Measure Q” (“Page 1”) further outlines potential harm  
23 from Measure Q. First, it states that Measure Q “will take longer and add risk to potential investors.”  
24 Second, the Newsletter states that if Measure Q passed, the County “could lose certain economic  
25 development opportunities.” Third, the Newsletter states that if Measure Q passed, the County “could  
26 lose \$6.56 million annually by 2035.” The aforementioned quotes from the Newsletter are made  
27 without any counterbalancing positive statements about Measure Q. One could argue the description of

1 increased voter involvement is in support of Measure Q, but it is framed bureaucratically, not as a  
2 benefit. Finally, Page 1 uses phrases like “discourage investment,” “reduce revenue,” and “add risk,”  
3 which are persuasive and not neutral.

4 Thus, the style is formal and governmental, and carries the weight of authority. The tenor is  
5 negative and cautionary. As for timing, the Newsletter was sent within two months prior to the election  
6 and explicitly mentions the upcoming election. Despite the disclaimer, “I’m not writing to tell you how  
7 to vote,” the Newsletter omits any positive and supportive Measure Q arguments, such as land  
8 preservation, preventing sprawling development, and removing power from County Supervisors.  
9 Therefore, the Newsletter’s style, tenor, and timing possess the necessary characteristics to be  
10 campaign material.

11 The Newsletter constitutes campaign material in violation of Section 89001. The Newsletter  
12 qualifies as a mass mailing at public expense: it was a tangible item sent to over 200 recipients, when  
13 taken as a whole and in context, unambiguously urges a particular result in an election, and paid for  
14 using public funds. Its content, timing, tone, and format establish that it was designed to  
15 unambiguously urge a particular outcome in the election.

16 Because the Newsletter qualifies as campaign material paid for with public funds, the County  
17 thereby qualified as an independent expenditure committee. As such, the County was required to  
18 include appropriate advertisement disclosure statements on the mailing pursuant to the Act. The  
19 Newsletter did not contain the required disclosures. Although the County’s name and seal appear on the  
20 Newsletter, these elements are not a substitute for the mandated disclaimer language. Accordingly, the  
21 Newsletter failed to meet the Act’s advertisement disclosure requirements.

22 In summary, the County’s production and distribution of the Newsletter constituted a mass  
23 mailing at public expense that unambiguously urged voters to oppose Measure Q. The content, tone,  
24 timing, and presentation of the Newsletter all point to a coordinated effort to influence the outcome of  
25 the election. The Newsletter was not a neutral communication, but rather political campaign material  
26 disseminated in violation of the Act. The County further violated campaign finance laws by failing to

1 include required disclosure language on the mailing and by failing to file mandatory campaign reports,  
2 as discussed below.

3 **Campaign Filings**

4 As an Independent Expenditure Committee, the County failed to timely file a semi-annual  
5 campaign statement (“Form 461”) for the reporting period of January 1, 2022 to December 31, 2022,  
6 despite qualifying as an independent expenditure committee upon making a \$19,785 independent  
7 expenditure on or around October 1, 2022. The deadline for filing the above Form 461 was January 31,  
8 2023 and the total amount reported should have included \$19,785.

9 Additionally, the County failed to timely file a 24-hour Independent Expenditure Report (“Form  
10 496”) for the Newsletter. Namely, the County failed to timely file a Form 496 for the \$19,785  
11 independent expenditure made on or around October 1, 2022 by the October 2, 2022 deadline.

12 **VIOLATIONS**

13 Count 1: Prohibited Campaign-Related Mass Mailing Sent at Public Expense

14 The County sent a prohibited campaign-related mass mailing at public expense on or around  
15 September 22, 2022, in violation of Government Code Section 89001 and Regulation 18901.1.

16 Count 2: Failure to Include Proper Disclosure on Campaign Advertisements

17 The County failed to include a proper advertising disclosure on the mailers referenced as the  
18 “Newsletter” which was sent on or around September 22, 2022, in violation of Government Code  
19 Section 84502.

20 Count 3: Failure to Timely File Semi-annual Campaign Statement

21 The County failed to timely file a semi-annual campaign statement for the \$19,758 in  
22 independent expenditures for the reporting period of January 1, 2022 to December 31, 2022, in  
23 violation of Government Code Section 84200, subdivision (b).

24 Count 4: Failure to Timely File 24-Hour Independent Expenditure Report

25 The County failed to timely file a 24-hour Independent Expenditure Report for the \$19,758  
26 independent expenditure made on or around October 31, 2022, in violation of Government Code  
27 Section 84204.

## PROPOSED PENALTY

This matter consists of four proposed counts. The maximum penalty that may be imposed is \$5,000 per count. Thus, the maximum penalty that may be imposed for the counts charged here is \$20,000.<sup>38</sup>

This matter does not qualify for the streamline program because it involves the use of public funds for campaign-related purposes, a violation which is not eligible for the streamline program. Regarding the violations pertaining to the missing advertisement disclosures and the late filing of campaign statements and reports, while those may be eligible under the streamline program on their own, since they are tied to the violation involving the use of public funds, they are not eligible under the streamline program.

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the facts of the case, the public harm involved, and the purpose of the Act. In particular, the Commission considers the factors codified in Regulation Section 18361.5(e)(1)-(8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.<sup>39</sup>

Using public funds for a prohibited purpose carries a high degree of public harm. The nature of the County's violations of the Act is particularly concerning, as recognized by the California Supreme Court in *Stanson v. Mott*, where the court stated "the use of the public treasury to mount an election

<sup>38</sup> See Regulation 83116, subd. (c).

<sup>39</sup> Regulation 18361.5, subd. (e)(1)-(8).

1 campaign which attempts to influence the resolution of issues which our Constitution leaves to the ‘free  
2 election’ of the people [sic] does present a serious threat to the integrity of the electoral process.”<sup>40</sup> The  
3 use of public funds to support or oppose ballot measures is prohibited because of the public harm of  
4 taxpayer funds being used to influence the voting public’s views on ballot measures. Here, the County  
5 opposed the passage of a local measure using \$19,758 in public funds. The County influenced the election  
6 with the Newsletter, and Measure Q failed.

7 The Act seeks to further protect the integrity of our electoral process by ensuring that voters know  
8 who is responsible for the political advertisements that seek to influence how they cast their ballot, and  
9 the voting public is harmed when that information is not included on campaign advertisements. In this  
10 case, the public harm was caused by the Newsletter advertisement failing to include proper advertisement  
11 disclaimers. In mitigation, the language and logo on the Newsletter clearly identified the County as the  
12 responsible party, and therefore mitigated the harm that would have resulted from a completely  
13 anonymous advertisement.

14 The public harm inherent in campaign late-filing violations is that the public is deprived of  
15 important, time-sensitive information regarding campaign activity, which is heightened when related to  
16 pre-election activity and 24-Hour reporting. Here, the County’s failure to timely file a Form 496 prior to  
17 the November 8, 2022 Election, and failure to timely file a Form 461, resulted in the public having limited  
18 knowledge of the County’s campaign activity before and after the election, including the amount of  
19 money spent.

20 The Commission also considers the penalties in prior cases with comparable violations.  
21 Furthermore, at the February 18, 2021, Commission Meeting, the Commission directed the Enforcement  
22 Division to pursue penalties at or above 90 percent of the maximum penalty when governmental agencies,  
23 like the County, engage in campaigning at public expense. Some recent similar cases include the  
24 following:

25 *In the Matter of City of Garden Grove and Scott Stiles*, FPPC No. 2018-01357 (The Commission  
26 approved a stipulated decision in October 2023). Garden Grove and sent 32,000 copies of an identical

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27 <sup>40</sup> *Stanson* at 218.  
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1 and prohibited campaign-related mass mailing at public expense at a total cost of \$11,526 which  
2 unambiguously urged the passage of local tax Measure O, in violation of Sections 89001, 84502, 84504.2,  
3 84204, and 84200. The four-count stipulation charged a total of \$18,000, for sending a prohibited mass  
4 mailing at public expense, improper advertisement disclosures on the mailer, failure to timely file a 24-  
5 Hour report, and failure to timely file a semi-annual campaign statement for \$4,500 each.

6 As in *Garden Grove*, the County here improperly used public funds to distribute a mass mailing  
7 without proper advertisement disclosures and failed to timely file campaign statements and reports. The  
8 Commission has expressed a strong desire for these types of violations to be charged at or above 90% of  
9 the maximum penalty of \$5,000 per count. In particular, and as noted above, *Garden Grove* resulted in a  
10 fine of \$4,500 for each violation. However, while Garden Grove sent 32,000 mailers at a cost of \$11,526,  
11 the County sent 18,900 and spent a total of \$19,758 campaigning for Measure Q. Therefore, a similar  
12 penalty per count is recommended here.

13 Neither the Respondent nor their counsel contacted the Commission seeking advice pertaining to  
14 the regulations affecting public mailers and any required filings. There is no prior record of any similar  
15 violations against the County.

16 As part of the negotiated settlement, corrective campaign reports and statements have been filed  
17 now to provide full disclosure. Additionally, the County was cooperative during the investigation and  
18 their intent was to resolve the matter expeditiously.

19 For the foregoing reasons and considering the seriousness of the violations, while considering the  
20 mitigating factors, and the direction mandated by the Commission, a penalty of \$4,500 for Counts 1  
21 through 4 are recommended, for a total penalty in the amount of \$18,000.

## 22 CONCLUSION

23 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
24 Respondent the County hereby agree as follows:

25 1. The County, as indicated in the respective counts, violated the Act as described in the  
26 foregoing pages, which are a true and accurate summary of the facts in this matter.

2. This stipulation will be submitted for consideration by the Fair Political Practices Commission at the November 2025 meeting—or as soon thereafter as the matter may be heard.

3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose of reaching a final disposition without the necessity of holding an administrative hearing to determine the liability of the County pursuant to Section 83116.

4. The County has consulted with their attorney, Gregory Priamos of Prentice | Long, PC, and understands, and hereby knowingly and voluntarily waives, all procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes but is not limited to the right to appear personally at any administrative hearing held in this matter, to be represented by an attorney at the County's own expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

5. The County agrees to the issuance of the decision and order set forth below. Also, the County agrees to the Commission imposing against them an administrative penalty in the amount of \$18,000. A cashier's check or money orders totaling said amount—to be paid to the General Fund of the State of California—is/are submitted with this stipulation as full payment of the administrative penalty described above, and same shall be held by the State of California until the Commission issues its decision and order regarding the matter. In addition, as part of the settlement, the County agrees to file all necessary statements and reports as mandated by law to provide full disclosure of the activities.

6. If the Commission declines to approve this stipulation—then this stipulation shall become null and void, and within fifteen business days after the Commission meeting at which the stipulation is rejected, all payments tendered by the County in connection with this stipulation shall be reimbursed to the County. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

7. The parties to this agreement may execute their respective signature pages separately. A copy of any party's executed signature page including a hardcopy of a signature page transmitted via fax or as a PDF email attachment is as effective and binding as the original.

Dated: \_\_\_\_\_

Kendall L.D. Bonebrake, Chief of Enforcement  
Fair Political Practices Commission

Dated: \_\_\_\_\_

Gregory Priamos, County Counsel, OBO  
Kollin Kosmicki, Chair  
San Benito County Board of Supervisors

The foregoing stipulation of the parties "In the Matter of the County of San Benito," FPPC No. 2023-00006, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated:

Adam E. Silver, Chair  
Fair Political Practices Commission