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7

8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**
10

11 In the Matter of:) FPPC No. 2022-01043
12)
13) **STIPULATION, DECISION, AND ORDER**
14)
15 Fresno County Transportation Authority,) Date Submitted to Commission:
16) February 12, 2026
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18)
19 Respondent.)
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25 **INTRODUCTION**

26 Respondent, Fresno County Transportation Authority (the “FCTA”), is the government agency
27 responsible for overseeing and implementing Measure C, a half-cent sales tax originally approved by
28 voters in 1986 to fund transportation projects in Fresno County. The FCTA’s purpose is to manage the
revenue from this tax and ensure the funds are used for a wide range of transportation improvements,
including road maintenance, public transit, and bicycle lanes.

Under the Political Reform Act (the “Act”),¹ a local government agency that spends \$1,000 or
more in public funds to advocate for or against a ballot measure qualifies as a campaign committee and

¹ 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

1 must comply with all provisions of the Act related to campaign committees, including filing campaign
2 statements and reports. Additionally, advertisements must adhere to certain advertising disclaimer
3 regulations. Respondent violated the Act by failing to include a disclosure statement on website and video
4 advertisements and failing to timely file one 24-Hour Independent Expenditure Report and three semi-
5 annual campaign statements.

6 **SUMMARY OF THE LAW**

7 The Act and its regulations are amended from time to time. Unless otherwise noted, all legal
8 references and discussions of law pertain to the Act’s provisions as they existed at the time of the
9 violations in this case (2022).

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.² For this reason, the Act is to be construed liberally to accomplish its purposes.³

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.⁴ In furtherance of this purpose, the Act establishes a comprehensive campaign
17 reporting system⁵ and requires any committee that supports or opposes a ballot measure to print its
18 name as part of any advertisement.⁶ Another purpose of the Act is to provide adequate enforcement
19 mechanisms so the Act will be “vigorously enforced.”⁷

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24 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.

25 ² Section 81001, subd. (h).

26 ³ Section 81003.

27 ⁴ Section 81002, subd. (a).

28 ⁵ Sections 84200, *et seq.*

⁶ Section 84506.

⁷ Section 81002, subd. (f).

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

2 California Code of Regulations Section 18420.1 addresses the use of public funds by state and
3 local governmental agencies for communications that are campaign-related. Under this regulation, a
4 payment made by a state or local agency, or by any person acting on its behalf, in connection with a
5 communication to the public that expressly advocates the election or defeat of a clearly identified
6 candidate or measure, or that unambiguously urges a particular electoral outcome when considered as a
7 whole and in context, is classified either as a contribution or an independent expenditure under the
8 Political Reform Act.⁸

9 The regulation defines “unambiguous urging” to include communications that are clearly
10 campaign material or activity—such as mass media advertisements, signs, or canvassing—as well as
11 materials that, due to their style, tone, and timing, are reasonably characterized as campaign materials
12 rather than informational communications.⁹

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

17 In assessing whether a communication is campaign-related, relevant considerations include the
18 source of funding (particularly if from a special appropriation tied to a measure), consistency with the
19 agency’s usual communication practices, and the presence of language that is inflammatory, persuasive,
20 or otherwise lacks neutrality.¹¹

21 However, certain communications are not considered contributions or independent expenditures
22 under this regulation. These exceptions include agency reports evaluating a measure when made
23 available upon request; public announcements of agency positions in public meetings or within official
24 agendas or minutes; written arguments submitted for inclusion in a voter information pamphlet; views

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26 ⁸ Regulation 18420.1, subd. (a).

27 ⁹ Regulation 18420.1, subds. (b)(1) and (2).

28 ¹⁰ Regulation 18420.1, subd. (c).

¹¹ Regulation 18420.1, subd. (d).

1 presented by agency staff at the request of outside organizations in a public meeting; and any
2 communication clearly authorized by law.¹²

3 Finally, any agency qualifying as a “committee” under Government Code Section 82013 is
4 required to comply with campaign reporting obligations under the Act.¹³

5 **Advertisement Disclosures**

6 An advertisement includes any general or public communication which is authorized and paid
7 for by a committee for the purpose of supporting or opposing one or more ballot measures.¹⁴ More
8 importantly, such an advertisement, that is paid for by an independent expenditure, must include a
9 disclosure statement that identifies the name of the committee. “Ad paid for by” should immediately
10 precede the committee’s name as it appears on campaign statements.¹⁵ The aforementioned disclosure
11 required must be written and displayed for at least five seconds of a broadcast of 30 seconds or less or
12 for at least 10 seconds of a broadcast that lasts longer than 30 seconds.¹⁶ The written disclosure required
13 shall appear on a solid black background on the entire bottom one-third of the television or video display
14 screen, or bottom one-fourth of the screen if the committee does not have or is otherwise not required to
15 list top contributors, and shall be in a contrasting color in Arial equivalent type, and the type size for the
16 smallest letters in the written disclosure shall be 4 percent of the height of the television or video display
17 screen. The top contributors, if any, shall each be disclosed on a separate horizontal line separate from
18 any other text, in descending order, beginning with the top contributor who made the largest cumulative
19 contributions on the first line. All disclosure text shall be centered horizontally in the disclosure area.¹⁷

20 An online platform or website must display the disclosure "Paid for by" or "Ad Paid for by"
21 followed by the committee's name as it appears on its Statement of Organization.¹⁸ If the committee has
22 top contributors, the disclosure must also include "Ad Committee's Top Funders" or "Ad Committee's
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24 ¹² Regulation 18420.1, subd. (e).

25 ¹³ Regulation 18420.1, subd. (f).

26 ¹⁴ Section 84501.

27 ¹⁵ Sections 84502, subd. (b), 84211, subd. (o), and 84504.1, subd. (a).

28 ¹⁶ Section 84504.1, subd. (b).

¹⁷ Section 84504.1, subd. (b)(1).

¹⁸ Section 84504.6, subd. (c)(1).

1 Top Funder," followed by the names of the top contributors.¹⁹ The platform may shorten the committee's
2 name for display but must link to a page with the full disclosure if the name exceeds 100 characters.²⁰

3 Alternatively, the platform can display a clickable hyperlink, icon, button, or tab with text like
4 "Who funded this ad?" or "Paid for by" that links to a page containing the required disclosures.²¹ An
5 internet website linked for disclosure purposes must remain online and available to the public until 30
6 days after the election.²²

7 **Campaign Statements and Reports**

8 A committee is any person or combination of persons who, in a calendar year, receives
9 contributions totaling \$2,000 or more; makes independent expenditures totaling \$1,000 or more; or
10 makes contributions totaling \$10,000 or more to or at the behest of candidates or other committees.²³
11 When a state or local governmental agency uses public moneys for a communication that (1) expressly
12 advocates for or against a clearly identified candidate or ballot measure or (2) unambiguously urges a
13 particular result in an election, the Act identifies that payment as an independent expenditure.²⁴ The
14 standard for determining if a communication by a public agency qualifies as an independent
15 expenditure is the same as the standard for the campaign related mailings sent at public expense
16 discussed above.²⁵

17 If a state or local governmental agency distributes communications that qualify as campaign
18 expenditures and cost \$1,000 or more in a calendar year, it qualifies as an independent expenditure
19 committee.²⁶ A committee must file a late independent expenditure report within 24 hours of making an
20 expenditure of \$1,000 or more during the 90 days prior to an election.²⁷ An expenditure is made on the
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23 ¹⁹ Section 84503, subd. (a).

24 ²⁰ Section 84504.6, subd. (c)(1).

25 ²¹ Section 84504.6, subd. (c)(2).

26 ²² Section 84504.3, subd. (d).

27 ²³ Section 82013.

28 ²⁴ Regulation 18420.1, subd. (a).

²⁵ See Regulations 184201.1 and 18901.1.

²⁶ Regulation 18420, subd. (d).

²⁷ Sections 82036.5 and 84204.

1 date the payment is made or on the date consideration, if any, is received, whichever is earlier.²⁸ The
2 report must include the committee’s name, committee’s address, number or letter of the measure,
3 jurisdiction of the measure, amount, date, and description of goods or services for which the late
4 independent expenditure was made.²⁹ In addition to the 24-Hour Independent Expenditure Report
5 (“Form 496”), an independent expenditure committee must also file an Independent Expenditure
6 Campaign Statement (“Form 461”), which includes some of the information reported on the Form 496
7 and additional information which provides more transparency.³⁰ Requiring local government agencies
8 to file campaign statements and reports furthers the Act’s purpose in disclosing expenditures made in
9 election campaigns so that voters are fully informed and improper practices are inhibited.³¹

10 SUMMARY OF THE FACTS

11 Measure C, a sales tax, was on the November 8, 2022 General Election ballot for Fresno County
12 voters. Measure C was originally approved by Fresno County voters in 1986, but a “yes” vote
13 supported continuing the existing half-cent sales tax to fund county roads, bridges, transportation, and
14 other county services for thirty years, expiring in 2057. Measure C required 66.67% approval to pass
15 but was defeated with only 58.20% voting “yes.” Aside from the sales tax, Measure C created the
16 FCTA as a governing body to oversee the use of the funds generated. The FCTA is responsible for
17 ensuring that the tax revenue is spent according to the priorities and projects outlined in the Measure C
18 Expenditure Plan. The authority coordinates with local governments, transit agencies, and stakeholders
19 to plan, finance, and deliver transportation projects throughout Fresno County.

20 Video Advertisement

21 From October 5 to October 16, 2022, prior to the election, the FCTA displayed a thirty second
22 video advertisement (the “Video Ad”) on a digital billboard at the Big Fresno Fair (“County Fair”).
23 According to an invoice dated November 16, 2022, the FCTA paid \$9,749 to an outside contractor to
24 produce and display the Video Ad at the County Fair.

25 ²⁸ Section 82025 (a).

26 ²⁹ Section 84204.

27 ³⁰ Section 84200, subd. (b).

28 ³¹ Section 81002, subd. (a).

1 The Video Ad can be construed to have urged support of Measure C in the upcoming election.
2 First, the Video Ad repeatedly mentioned “Measure C,” rather than the FCTA. The FCTA states that
3 they intended to reference the existing/current Measure C (previously approved sales tax increase to
4 benefit FCTA in 1986 and 2007) not the then-pending renewal, which had the same letter designation.
5 By continuously mentioning "Measure C," it unnecessarily identifies the measure in the upcoming
6 election rather than highlighting the agency, the FCTA, and the work the FCTA performed under the
7 existing Measure C sales tax. The continuous and unmistakable reference to a specific ballot measure
8 makes it highly probable that a reasonable person would interpret the communication as an electoral
9 appeal for Measure C. Second, the Video Ad highlights, both visually and through text and voice,
10 positive outcomes and achievements directly attributed to "Measure C" (e.g., "Safer roads," "Less
11 congestion," "Better air quality," "Built 1,200+ miles of streets, roads and highways," "Removed over
12 42 tons of trash," "Replaced 115 school buses"). Third, the concluding tagline, "Measure C, Promises
13 made. Promises kept," serves as a direct endorsement and a call to support the measure by implying its
14 success and reliability. Finally, the call to support in the video comes from the final image that states,
15 “visit measurerenewal.com.” The word “renewal” is a clear urge to vote for Measure C. One could
16 argue that the use of the word “renewal” is explicit advocacy as it cannot be renewed without being
17 voted on – in short, renewal means vote in support.

18 The Video Ad’s positive framing of "Measure C" and its effects, concluding with a celebratory
19 statement and a call to action, falls into this category of unambiguously urging support.

20 The timing and method of distribution further underscore the political nature of the Video Ad. It
21 was displayed just 23 days before the election and specifically displayed to Fresno County voters at the
22 County Fair, giving it the appearance of an official government communication and lending it an
23 authoritative tone. This distribution choice would likely enhance the Video Ad’s persuasive impact on
24 the viewers. Furthermore, the Video Ad is clearly campaign material under Regulation 18420.1 since it
25 is displayed on a billboard and is a digital media ad, rather than traditional, informational government
26 material. Taken as a whole and in context, the Video Ad does not merely present facts but rather
27 conveys a strong political message intended to influence the outcome of the election.

1 Because the Video Ad qualifies as campaign material paid for with public funds, the FCTA
2 thereby qualified as an independent expenditure committee. As such, the FCTA was required to include
3 appropriate advertisement disclosure statements on the Video Ad pursuant to the Act. The Video Ad
4 did not contain the required disclosures of “Ad paid for by” followed by the Committee’s name.
5 Additionally, the FCTA name does not appear on the Video Ad, so the public harm is greater as it is
6 unclear as to who is responsible for the Video Ad. Accordingly, the Video Ad failed to meet the Act’s
7 advertisement disclosure requirements.

8 In summary, the FCTA’s production and distribution of the Video Ad constituted an
9 independent expenditure at public expense that unambiguously urged voters to support Measure C. The
10 content, tone, timing, and presentation of the Video Ad all point to a coordinated effort to influence the
11 outcome of the election. The FCTA violated campaign finance laws by failing to include required
12 disclosure language on the Video Ad and by failing to file mandatory campaign reports, as discussed
13 below. These facts support the conclusion that the Video Ad was not a neutral communication, but
14 rather political campaign material disseminated in violation of the Act.

15 **Website**

16 From April 19, 2021 to November 21, 2022, the FCTA paid an outside contractor \$11,227 to
17 update and maintain its website MeasureCRenewal.com. The URL name of the website, as discussed
18 above, is essentially express advocacy as it calls for support of Measure C. Further, the content of the
19 website unambiguously urges support of Measure C.

20 The website contains various statements that unambiguously urge support. For example, “Over
21 the past 2 years, the FCTA has worked with communities throughout Fresno County to create a
22 strategic and effective plan for Measure C’s renewal on the November 2022 ballot.” This statement
23 explicitly affirms that the FCTA has spent two years campaigning for the passage of Measure C, which
24 is in part accomplished through the website and the Video Ad.

25 Urgency is created by the website by stating, “Measure C local funding renewal is urgently
26 needed for maintaining roads in good condition and enhancing the overall quality of life for local
27 residents.” The statement establishes an immediate call to action by framing the issue as a critical need
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1 rather than a general policy discussion. This strong opening goes beyond merely providing information
2 and sets a persuasive tone.

3 The website continues by giving reasons why Measure C must be passed because “essential
4 repairs have been put off for too long.” The text on the website links the renewal of Measure C directly
5 to a list of specific, positive, and tangible benefits. It states that renewing the measure "would support
6 seniors, veterans and individuals with disabilities by keeping and expanding low-cost transportation
7 options, and making public transit safer and better". It also outlines how the measure will "address
8 community needs by: Repairing potholes" and "Keeping local roads in good condition.” This direct
9 cause-and-effect relationship between the measure's passage and desirable community improvements
10 leaves little room for alternative interpretation.

11 The website contains forward looking statements that advocate for Measure C by stating a
12 “need to continue” fixing infrastructure and there is still “a long way to go to meet the needs of our
13 community.” The website states many more campaign like statements in favor of Measure C such as,
14 “renewing Measure C would protect the quality of life for Fresno County residents,” but does not
15 mention any negatives of maintaining the sales tax increase. The text presents a one-sided argument
16 without acknowledging any potential drawbacks, costs, or opposing viewpoints of the measure. By
17 exclusively highlighting the positive impacts and the urgent need for action, the communication ceases
18 to be a neutral presentation of facts and functions as a clear appeal for support. A reader of the website
19 would have no idea how Measure C would be funded or what the costs of increasing the sales tax
20 would be.

21 Because the website qualifies as campaign material paid for with public funds, the FCTA
22 thereby qualified as an independent expenditure committee. As such, the FCTA was required to include
23 appropriate advertisement disclosure statements on the website pursuant to the Act. The website did not
24 contain the required disclosures of “Ad paid for by” followed by the Committee’s name. However, the
25 FCTA name does appear on the website, so the public harm is reduced as it is clear as to who is
26 responsible for the website. Accordingly, the website failed to meet the Act’s advertisement disclosure
27 requirements.

1 In summary, while the text does not use explicit "magic words," the website URL expressly
2 advocates for Measure C. Further, the combination of the urgent tone, the direct connection between
3 the measure and numerous benefits, and the lack of any neutral information would lead a reasonable
4 person to interpret it as a clear call to vote in favor of Measure C. It goes beyond mere advocacy of an
5 issue and constitutes a strong electoral message. Therefore, the website is an ad under the Act and
6 required disclosures. The website costs were \$11,227, so the filing of campaign statements was
7 required as well.

8 **Campaign Filings**

9 As an independent expenditure committee, the FCTA failed to timely file a semi-annual
10 campaign statement (Form 461) for the reporting periods of January 1, 2021 to June 30, 2021, despite
11 qualifying as an independent expenditure committee upon making a \$3,500 independent expenditure
12 for the website discussed above on or around April 19, 2021. The deadline for filing the above Form
13 461 was July 31, 2021 and the total amount reported should have included \$3,980 in independent
14 expenditures for the website. Furthermore, the FCTA failed to timely file a Form 461 for the reporting
15 period of July 1, 2021 to December 31, 2021 by the January 31, 2022 deadline. The Form 461 should
16 have included \$5,025 in independent expenditures for the website. Finally, the FCTA failed to timely
17 file a Form 461 for the reporting period of January 1, 2022 to December 31, 2022 by the January 31,
18 2023 deadline. On August 26, 2022, the FCTA paid the County Fair \$12,500 to be a sponsor.
19 Enforcement determined \$4,166, or one-third of the contract, was attributed to displaying the video
20 advertisement. Therefore, Form 461 should have included \$9,749 in independent expenditures for the
21 Video Ad.

22 Additionally, the FCTA failed to timely file a 24-hour Independent Expenditure Report (Form
23 496) for the Video Ad. Namely, the FCTA failed to timely file a Form 496 for the \$9,749 independent
24 expenditure for the Video Ad made on or around October 5, 2022 by the October 6, 2022 deadline.
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1 **VIOLATIONS**

2 Count 1: Failure to Include Proper Disclosure on Campaign Advertisements

3 The FCTA failed to include a proper advertising disclosure on the “Video Ad” which was
4 displayed on or around October 5, 2022, in violation of Government Code Section 84502.

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

6 The FCTA failed to include a proper advertising disclosure on the website which was displayed
7 on or around April 19, 2021, in violation of Government Code Section 84502.

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

9 The FCTA failed to timely file a semi-annual campaign statement for the \$3,980 in independent
10 expenditures for the reporting period of January 1, 2021 to June 30, 2021, in violation of Government
11 Code Section 84200, subdivision (b).

12 Count 4: Failure to Timely File Semi-annual Campaign Statement

13 The FCTA failed to timely file a semi-annual campaign statement for the \$5,025 in independent
14 expenditures for the reporting period of July 1, 2021 to December 31, 2021, in violation of Government
15 Code Section 84200, subdivision (b).

16 Count 5: Failure to Timely File Semi-annual Campaign Statement

17 The FCTA failed to timely file a semi-annual campaign statement for the \$9,749 in independent
18 expenditures for the reporting period of January 1, 2022 to December 31, 2022, in violation of
19 Government Code Section 84200, subdivision (b).

20 Count 6: Failure to Timely File 24-Hour Independent Expenditure Report

21 The FCTA failed to timely file a 24-hour Independent Expenditure Report for the \$9,749
22 independent expenditure made on or around October 5, 2022, in violation of Government Code Section
23 84204.

24 **PROPOSED PENALTY**

25 This matter consists of six proposed counts. The maximum penalty that may be imposed is \$5,000
26 per count. Thus, the maximum penalty that may be imposed for the counts charged here is \$30,000.³²

27 ³² See Regulation 83116, subd. (c).

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

7 In determining the appropriate penalty for a particular violation of the Act, the Commission
8 considers the facts of the case, the public harm involved, and the purpose of the Act. In particular, the
9 Commission considers the factors codified in Regulation Section 18361.5(e)(1)-(8): (1) The extent and
10 gravity of the public harm caused by the specific violation; (2) The level of experience of the violator
11 with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission
12 in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5)
13 Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated
14 good faith by consulting the Commission staff or any other governmental agency in a manner not
15 constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was
16 isolated or part of a pattern and whether the violator has a prior record of violations of the Political
17 Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation,
18 voluntarily filed amendments to provide full disclosure.³³

19 Using public funds for a prohibited purpose carries a high degree of public harm. The nature of
20 the FCTA's violations of the Act is particularly concerning, as recognized by the California Supreme
21 Court in *Stanson v. Mott*, where the court stated "the use of the public treasury to mount an election
22 campaign which attempts to influence the resolution of issues which our Constitution leaves to the 'free
23 election' of the people [sic] does present a serious threat to the integrity of the electoral process."³⁴ The
24 use of public funds to support or oppose ballot measures is prohibited because of the public harm of
25 taxpayer funds being used to influence the voting public's views on ballot measures. Here, the FCTA

27 ³³ Regulation 18361.5, subd. (e)(1)-(8).

28 ³⁴ *Stanson* at 218.

1 supported the passage of a local measure using \$14,774 in public funds. The FCTA influenced the
2 election with the Video Ad and website, but Measure C failed.

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

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

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

21 *In the Matter of City of Garden Grove and Scott Stiles*, FPPC No. 2018-01357 (The Commission
22 approved a stipulated decision in October 2023). Garden Grove and Stiles sent 32,000 copies of an
23 identical and prohibited campaign related mass mailing at public expense at a total cost of \$11,526, which
24 unambiguously urged the passage of local tax Measure O, in violation of Sections 89001, 84502, 84504.2,
25 84204, and 84200. The four count stipulation charged a total of \$18,000, for sending a prohibited mass
26 mailing at public expense, improper advertisement disclosures on the mailer, failure to timely file a 24-
27 Hour report, and failure to timely file a semi-annual campaign statement for \$4,500 each.

1 As in *Garden Grove*, the FCTA here improperly used public funds to distribute a Video Ad
2 without proper advertisement disclosures and failed to timely file campaign statements and reports. The
3 Commission has expressed a strong desire for these types of violations to be charged at or above 90% of
4 the maximum penalty of \$5,000 per count. In particular, and as noted above, the most recent case, *Garden*
5 *Grove*, resulted in a fine of \$4,500 for each violation. However, while Garden Grove sent 32,000 mailers
6 at a cost of \$11,526, the FCTA displayed a Video Ad and website and spent a total of \$14,774
7 campaigning for Measure C. Therefore, a similar penalty per count is recommended here.

8 Neither the Respondent nor their counsel contacted the Commission seeking advice pertaining to
9 the regulations affecting public mailers and any required filings. There is no prior record of any similar
10 violations against the FCTA.

11 As part of the negotiated settlement, corrective campaign reports and statements have been filed
12 now to provide full disclosure. Additionally, the FCTA was cooperative during the investigation and their
13 intent was to resolve the matter expeditiously.

14 For the foregoing reasons and considering the seriousness of the violations, while considering the
15 mitigating factors, and the direction mandated by the Commission, a penalty of \$4,500 each for Counts
16 1 through 6 is recommended, for a total penalty in the amount of \$27,000.

17 CONCLUSION

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
19 Respondent the FCTA hereby agree as follows:

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

22 2. This stipulation will be submitted for consideration by the Fair Political Practices
23 Commission at the next regularly scheduled meeting—2026 meeting—or as soon thereafter as the matter
24 may be heard.

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

1 Dated: _____ Ernest "Buddy" Mendes, Chairperson of the FCTA
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3 The foregoing stipulation of the parties "In the Matter of the Fresno County Transportation Authority,"
4 FPPC No. 2022-01043, is hereby accepted as the final decision and order of the Fair Political Practices
5 Commission, effective upon execution below by the Chair.
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7 IT IS SO ORDERED.
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9 Dated: _____
10 Adam E. Silver, Chair
11 Fair Political Practices Commission
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