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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of MATT MAHAN, Respondent.	FPPC Case No. 2026-00618 **STIPULATION, DECISION AND ORDER** Date Submitted to Commission: September 2026

INTRODUCTION

Matt Mahan ("Mahan") is the Mayor of San Jose. Mahan was a member of San Jose's City Council from 2021 to 2023 and the current Mayor of San Jose since 2023. This case involves failure to timely file Form 803 behested payment reports regarding approximately 37 charitable payments (of $5,000 or more)—totaling approximately $1,969,550—made to Back to Basics California (the "Nonprofit") and one charitable payment of $400,000 to Cinequest, in violation of the Political Reform Act.[1] The Nonprofit is an Internal Revenue Code section 501(c)(4) organization that raises money to help inform and educate communities on how to advocate effectively for themselves and hold their elected leaders accountable. Cinequest is a charitable Internal Revenue Code section 501(c)(3) organization that supports independent artists through film festivals, mentorship, education, and digital platforms. At the time of the behested payments to the Nonprofit, several members of Mahan's staff held decision-making

[1] The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. 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. All regulatory references are to this source.

positions with the Nonprofit. 37 payments were made from 2024 to 2026 by approximately three dozen donors to the Nonprofit at Mahan's behest that were not disclosed as required by the Act, although many were disclosed to the City. This case was opened after Mahan became aware of these errors and thereafter filed the late reports for the behested payments to the Nonprofit on his own initiative with the San Jose City Clerk's Office, and after the late-filed Form 803 behested payment reports were voluntarily self-reported to the Fair Political Practices Commission (the "Commission") by Mahan.

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. All legal references and discussions of law are intended to be citations to statutes and regulations as they existed at the time of the violations noted above.

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

When enacting the Political Reform Act, the people of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.[2] Thus, it was decreed that the Act "should be liberally construed to accomplish its purposes."[3]

Payments made at the behest of elected officials—including charitable donations—are a means by which donors may seek to gain favor with elected officials. One purpose of the Act is to ensure timely, transparent reporting of such activity, which serves to increase public awareness regarding potential attempts to influence in this manner.[4]

Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[5]

Required Filing of Behested Payment Reports

When one individual or organization makes a charitable donation (or donations) to another—at the behest of an elected officer—the officer is required to disclose the payment(s) on a Form 803 behested payment report, which must be filed with the officer's agency within 30 days following the date

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[2] Section 81001, subdivision (h).

[3] Section 81003.

[4] See Sections 82004.5 and 84224.

[5] Section 81002, subdivision (f).

on which the payment(s) equal or exceed $5,000 in the aggregate from the same source in the same calendar year. The report is a public record, which must include the name and address of the payor, the amount of the payment, the date of payment, the name and address of the payee, a brief description of the goods or services provided or purchased (if any), and a description of the specific purpose or event for which the payment or payments were made. Once the $5,000 aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later.[6] Additionally, the report must include a brief description of any relationship of the nonprofit organization payee to the elected officer or a member of that elected officer's immediate family member or member of that elected officer's campaign or staff.[7] The description must include the following information about any individual listed: any decision-making capacity within the nonprofit organization, salaried employment at the nonprofit organization, status as a founding member of the nonprofit organization, or a position on an honorary or advisory board of the nonprofit organization.[8]

These rules apply when the payment is "made at the behest" of the officer. This means that the payment is made under any one (or more) of the following circumstances:[9]

1. at the request, suggestion, or direction of the officer (or his agent);
2. in concert with the officer (or his agent);
3. with the express, prior consent of the officer (or his agent);
4. in cooperation, consultation, or coordination with the officer (or his agent); or
5. under the control of the officer (or his agent).

An officer "has a duty to be informed of payments made at his behest and must make an effort to file required forms as soon as possible."[10] This is a duty to make reasonable inquiry.

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[6] See Sections 82004.5 and 84224.

[7] Regulation 18424, subdivision (a).

[8] *Ibid.*

[9] Regulation 18215.3, subdivision (a).

[10] See: John St. Croix Advice Letter (I-13-107), page 4.

SUMMARY OF THE FACTS

Since 2023, Mahan has been the Mayor of San Jose. During Mahan's campaign for Mayor of San Jose, Mahan's campaign manager for his 2022 campaign, Adrian Rafizadeh ("Rafizadeh"), founded the Nonprofit.[11] Per the Nonprofit's Statements of Information filed with the Secretary of State, Rafizadeh is also the CEO of the Nonprofit. Additionally, other members of Mahan's staff held decision-making roles in the Nonprofit, including Jim Reed. Mr. Reed was Mahan's staff member responsible for tracking and filing behested payment reports with both the City of San Jose, who requires similar financial disclosure reports, and the disclosure filings required under the Act. However, due to staff confusion about the required disclosures, 37 payments made from 2024 to 2026 by approximately three dozen donors to the Nonprofit at Mahan's behest were not disclosed as required by the Act.

Mahan was required to file a Form 803 behested payment report with the San Jose City Clerk within 30 days of each payment, but he failed to timely file the reports, which evidence indicates was due to staff misunderstanding the filing requirements. However, Mahan did disclose some of the payments on the Disclosure of Funding Report ("DFR1") forms, on which the San Jose Municipal Code requires elected officials of the City of San Jose to disclose their fundraising solicitations which result in a contribution or donation.[12] Only one of these DFR1s was timely filed.[13] The DFR1 also clearly states on the face of the form that "[b]ehested payments that total $5,000 or more per calendar year may also need to be reported on a form 803 within 30 days of the date they are made." Mahan's behested payment reports were filed from 132 to 622 days late, as summarized in the following chart:

Donor	Amount	Payment Date	Filing Due Date	Date Filed	Days Overdue
Jay Paul[a]	$400,000.00	2/9/2023	3/11/2023	4/18/2024	405
Preston Butcher[b]	$25,000.00	10/3/2024	11/2/2024	7/16/2026	622
Forty Niners Football Company[b]	$10,000.00	10/4/2024	11/3/2024	7/16/2026	621
Galleria Michigan GPRV Partners 51[b]	$5,000.00	11/1/2024	12/1/2024	7/16/2026	593
Horn Bradshaw 3 GPRV Partners 52[b]	$5,000.00	11/1/2024	12/1/2024	7/16/2026	593
Interchange GPRV Partners 48[b]	$5,000.00	11/1/2024	12/1/2024	7/16/2026	593

[11] See OpEd written by Adrian Rafizadeh, https://www.sanjoseinside.com/opinion/the-power-to-get-san-jose-back-on-track-is-in-our-hands/.

[12] San Jose Municipal Code, Title 12, Chapter 12.16, subsection 12.16.020.

[13] DFR1s must be filed no later than January 15, April 15, July 15, and October 15 for reportable contributions or donations resulting from fundraising solicitations in the preceding calendar quarter.

Donor	Amount	Payment Date	Filing Due Date	Date Filed	Days Overdue
Genevieve Rolla[b]	$5,000.00	11/1/2024	12/1/2024	7/16/2026	593
Phil Rolla[b]	$5,000.00	11/1/2024	12/1/2024	7/16/2026	593
Chris Larsen[b]	$100,000.00	4/14/2025	5/14/2025	7/16/2026	429
Michael Seibel[b]	$25,000.00	5/22/2025	6/21/2025	7/16/2026	391
Brian Singerman[b]	$10,000.00	7/1/2025	7/31/2025	7/16/2026	351
Michael Stoppleman[b]	$5,000.00	7/14/2025	8/13/2025	7/16/2026	338
Nicholas Josefowitz[b]	$20,000.00	7/14/2025	8/13/2025	7/16/2026	338
Bill Bloomfield[b]	$10,000.00	7/21/2025	8/20/2025	7/16/2026	331
John Keller[b]	$5,000.00	7/28/2025	8/27/2025	7/16/2026	324
Neighbors for Matt Mahan for Mayor 2024	$114,549.93	7/29/2025	8/28/2025	7/16/2026	323
Michelle Boyers	$100,000.00	8/19/2025	9/18/2025	7/16/2026	302
PG&E Corporation[b]	$25,000.00	9/29/2025	10/29/2025	7/16/2026	261
TMG Partners R.E.	$10,000.00	10/28/2025	11/27/2025	7/16/2026	232
Calpine Corporation[b]	$25,000.00	11/3/2025	12/3/2025	7/16/2026	226
Crankstart Foundation	$100,000.00	11/25/2025	12/25/2025	7/16/2026	204
Gary Tan[b]	$25,000.00	12/4/2025	1/3/2026	7/16/2026	195
Dan Warmenhoven[b]	$50,000.00	12/8/2025	1/7/2026	7/16/2026	191
DAFGIVING360	$25,000.00	12/15/2025	1/14/2026	7/16/2026	184
Preston Butcher[c]	$25,000.00	12/15/2025	1/14/2026	7/16/2026	184
Blake Byers	$10,000.00	1/9/2026	2/8/2026	7/16/2026	159
Paul Watcher	$10,000.00	1/12/2026	2/11/2026	7/16/2026	156
Chris Larsen	$1,000,000.00	1/12/2026	2/11/2026	7/16/2026	156
Irving Azoff	$10,000.00	1/13/2026	2/12/2026	7/16/2026	155
Thomas Werner	$5,000.00	1/13/2026	2/12/2026	7/16/2026	155
Mark Heising	$50,000.00	1/16/2026	2/15/2026	7/16/2026	152
George Hume	$10,000.00	1/19/2026	2/18/2026	7/16/2026	149
Frantz Family Trust	$5,000.00	1/21/2026	2/20/2026	7/16/2026	147
Phil Rolla	$10,000.00	1/23/2026	2/22/2026	7/16/2026	145
Dylan Field	$100,000.00	1/28/2026	2/27/2026	7/16/2026	140
Michael Eisler	$10,000.00	1/29/2026	2/28/2026	7/16/2026	139
Maria Zito	$10,000.00	2/2/2026	3/4/2026	7/16/2026	135
GFC SF	$5,000.00	2/5/2026	3/7/2026	7/16/2026	132
TOTAL:	$2,369,549.93				

[a] This behested payment was directed to Cinequest, instead of Back to Basics. The payment was disclosed on a DFR1 timely filed on March 29, 2023.
[b] The originally filed DFR1s were amended to add these payments and re-filed on July 13, 2026.
[c] The payment was disclosed on a DFR1 filed on January 16, 2026.

VIOLATIONS

Counts 1 - 16: Failure to Timely File Behested Payment Reports

In this way, Mahan violated Sections 82004.5and 84224. For settlement purposes, 16 counts are being charged (as discussed in more detail below).

STREAMLINE EXCLUSION

Late-filed behested payment reports are a type of violation included in the Commission's streamline settlement program. However, the violations in this case are excluded from the streamline settlement program because—due to the number of behested payment reports that were late-filed, the number of days they were past due, the total amount of those behested payments, and the involvement of Mahan's campaign manager and staff in the Nonprofit—the extent and gravity of the public harm in the aggregate is more than minimal.[14]

PROPOSED PENALTY

The maximum penalty that may be imposed per count is $5,000.[15] In this case, 16 counts are recommended. The maximum penalty for the counts charged is $80,000.

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors:[16]

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 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 Commission staff or any other governmental agency in a manner not constituting a complete defense under Section 83114, subdivision (b);
7. whether the violation was isolated or part of a pattern—and whether the violator has a prior record of violations of the Act or similar laws; and
8. whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

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[14] Regulation 18360.1, subdivision (c)(2)(B)(v).

[15] See Section 83116, subdivision (c).

[16] These factors are set forth in Regulation 18361.5, subdivision (e)(1) through (8).

Behested payments can be a means by which donors may seek to gain favor with elected officials. Such payments are lawful, but timely reporting is required, as it affords the public an opportunity to assess the propriety of the behested payments—and in turn, this scrutiny serves to inhibit improper practices.[17] There is inherent public harm in non-disclosure and late reporting, because the public is deprived of a timely opportunity to scrutinize the payments. Without such scrutiny, improper practices are not inhibited. The Commission has found timely disclosure to be essential.

In this case, evidence indicates that Mahan's violations were not intentional and appear to be the result of negligence. Although ultimately responsible for the actions of his staff, it appears his staff failed to properly track and disclose the behested payments. The case was opened after Mahan self-reported and provided copies of the reports for the behested payments made to the Nonprofit directly to the Commission after he discovered the errors and after they were filed with the San Jose City Clerk. Mahan's Form 803 filings for each of the payments noted in the chart above were filed from 132 to 622 days late. (Reports for about one-quarter of the payments were filed more than 365 days late.) Mahan's filings included the identity of the donor, identity of the recipient, amount of the donation, date of payment, and the date that the Form 803 report was filed with Mahan's agency. Filing dates were compared to the reported dates of payments—meaning that the violations in this case were apparent from the face of the filings.

Mahan informed the Commission of the late filing violations relating to the Nonprofit before the reports were even filed with Mahan's agency, demonstrating Mahan's willingness to take responsibility for the late filing. Each behested payment report was executed by Mahan under penalty of perjury, and in connection with this settlement, Mahan acknowledges that the above-noted payments were in fact made at their behest. Mahan voluntarily filed the late reports without any prompting by media or Enforcement Division inquiries, and has cooperated fully with the FPPC in this matter.

Comparable Cases

Historically, in cases with large numbers of violations involving failure to timely file behested payment reports, the Enforcement Division has used thresholds, on a case by case basis, to separate the

[17] See Sections 82004.5 and 84224; Jay advice letter (A-10-088), page 3; Legal Division staff memo of 10/11/21 re: behested payments, pages 4 and 5.

most egregious violations—in terms of reportable activity—from less egregious ones. A recent example of a mainline stipulation that closely resembles the facts of this matter and approved by the Commission is In the Matter of Christopher Holden; FPPC Case No. 19/429 (approved March 21, 2024). In *Holden*, the Commission imposed a penalty in the amount of $24,000 for failure to timely file behested payment reports regarding 94 payments, totaling $1,576,500. Sixteen counts were charged—with a penalty of $1,500 per count.

Holden involved violations that appeared to be the result of negligence by an official with no history of prior, similar violations. Holden served as the chair for the charitable organization that received payments at his behest. No intent to conceal was found. Holden voluntarily filed all required behested payment reports, albeit late. Holden cooperated with the Enforcement Division.

Also, both cases involve sophisticated respondents with ample reason to be familiar with the Act's requirements. Holden had been a member of the California State Assembly, District 41, since 2012, being re-elected every two years since then. Mahan has been an officeholder for five years. Additionally, both cases involve a pattern of filing violations that occurred over multiple calendar years.

Last, it appears that Mahan's staff failed to adequately track and prepare disclosure reports consistent with the Act, and Mahan corrected the errors and, like *Holden*, reported to the FPPC once he became aware of them. Further, similar to *Holden*, Mahan contends that he did not personally solicit many of the behested payments and only would have become aware of them if staff had reported to him the receipt of the payments by the Nonprofit.

Aggravating Differences

In *Holden*, the filings for about one-half of the behested payments were 120 to 276 days late. In the current case, however, the filings for a little over one-half of the behested payments were 204 to 622 days late. Additionally, in comparison to *Holden*, the current case involves approximately $793,000 more in reportable activity.

Mitigating Differences

In the current case, there are significantly fewer late filings. This case involves 37 late filings, whereas *Holden* involved 94. Also, unlike *Holden*, Mahan does not hold any position within the Nonprofit—only members of their staff have decision-making roles within the Nonprofit.

Mahan also reported the late-filing for all but one of the reports to the Commission even before the reports had been filed with Mahan's agency. Furthermore, some of the behested payments were also disclosed on San Jose's local DFR1 form, albeit only one DFR1 was filed timely.

Recommended Number of Counts and Penalty:

$27,500 (16 total counts – 9 at $1,500 per count and 7 at $2,000 per count)

Although one count may be charged for each late-filed behested payment report, this many counts are not necessary to ensure that the penalty fits the wrongdoing.

Holden involved 94 behested payments (ranging in amounts from $5,000 to $100,000)—totaling approximately $1,576,500. The Enforcement Division charged 16 counts for a penalty that would be proportionate to the wrongdoing. The sixteen counts were for the most egregious payments, which were generally $25,000 or more.

The current case involves far fewer payments (38 payments, ranging in amounts from $5,000 to $1,000,000) but a higher total amount, approximately $2,369,550. Also, a significant number of the reports were filed later than the reports in *Holden*. In *Holden*, the filings for about one-half of the behested payments were 120 to 276 days late. In the current case, however, the filings for a little over one-half of the behested payments were 204 to 622 days late.

Therefore, based on the foregoing factors, the Enforcement Division recommends following the precedent of $1,500 per count for payments of $25,000 to, but not including, $100,000, and a slightly higher penalty of $2,000 per count for the payments of $100,000 or more. 16 total counts would result in a penalty of $27,500 (9 counts at $1,500 each and 7 counts at $2,000 each).

CONCLUSION

Complainant, the Enforcement Division of the Fair Political Practices Commission, and respondent Matt Mahan hereby agree as follows:

1. Respondent violated the Act as described in the 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 regularly scheduled meeting that is noted in the case caption on page 1—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 Respondent pursuant to Section 83116.

4. Respondent has consulted with his attorney, Gary Winuk of the Kaufman Legal Group. Respondent understands and hereby knowingly and voluntarily waives, any and 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 respondent'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. Respondent agrees to the issuance of the decision and order set forth below. Also, Respondent agrees to the Commission imposing against him an administrative penalty in the amount of $27,500. One or more payments totaling this 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 they will be held by the State of California until the Commission issues its decision and order regarding this matter.

6. If the Commission refuses 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 Respondent in connection with this stipulation shall be reimbursed to Respondent. 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: ____________________

Matt Mahan, Respondent

The foregoing stipulation of the parties "In the Matter of Matt Mahan," FPPC Case No. 2026-00618, 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 Silver, Chair
Fair Political Practices Commission