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## Comment on Item 5 on May 15, 2025 FPPC Agenda

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**From** Jason Bezis <jason@bezislaw.com>

**Date** Thu 5/15/2025 11:31 AM

**To** CommAsst <CommAsst@fppc.ca.gov>

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5. In the Matter of California Workers' Justice Coalition Sponsored by Service Employees International Union Local 1021 and Ramses Teón-Nichols; FPPC No. 20/1060.

Staff: Vanessa Jimmy, Commission Counsel and Katelin Angeloni, Special Investigator. The respondents were represented by Richard R. Rios of Olson Remcho, LLP. California Workers' Justice Coalition Sponsored by Service Employees International Union Local 1021 is a general purpose committee. Ramses Teón-Nichols serves as the Committee's treasurer. The Committee and Teón-Nichols failed to timely report subvendor payments on a pre-election campaign statement, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count). Total Proposed Penalty: \$1,500.

California Workers' Justice Coalition – Stip

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This office represents complainant Jack Weir in Item No. 5 (FPPC No. 20/1060). Mr. Weir is pleased that the Commission investigated his complaint and that a penalty will be imposed, but Mr. Weir is greatly disappointed that the Commission does not recognize the severity of this violation.

An SEIU labor union sponsored the "Committee" at issue. That SEIU labor union is very active in California elections. It presumably is a sophisticated player that is thoroughly familiar with the FPPC's laws and regulations. The Stipulation states, "The Committee and Teón-Nichols violated the Act by failing to timely report a total of \$141,818 in subvendor payments on one campaign statement."

That Committee did not report those payments until AFTER the November 2020 election AFTER Mr. Weir filed his complaint. That Committee essentially hid from the public very substantial information until Mr. Weir's complaint motivated that Committee to comply with its legal duties.

The only consequence of this violation is a tiny \$1,500 fine, the equivalent of a miniscule "parking ticket" to a powerful political operator. This is known as "efficient breach" under contract law theory. (See, e.g., <https://academic.oup.com/book/35397/chapter-abstract/302493537?redirectedFrom=fulltext&login=false>; <https://scholarship.law.georgetown.edu/facpub/1185/>) It is more "efficient" to break the law and pay the fines than to follow the law.

The message that the FPPC - including each and every current FPPC commission - is sending to complainants is that they essentially are wasting their time in filing complaints. Powerful, sophisticated political sources essentially can violate FPPC laws and regulations with impunity. In the rare circumstances, like this one, where they are "caught" by a complainant, they can hire a very politically-connected law firm (e.g., one that handles a Governor's personal political legal affairs) in order to delay enforcement for four years and negotiate any "punishment" down to a tiny amount behind closed doors with pliable FPPC staff.

FPPC commissioners and staff should be well aware that powerful political forces retaliate against complainants and any and all names associated with complainants in manners that would thoroughly disgust the vast majority of reasonable Californians, if not the insular world of FPPC commissioners and staff. I personally am shocked by the depths to which these forces descend in order to destroy and discredit people in direct response to the filing of an FPPC complaint.

The average Californian is naive to believe that their FPPC complaints, even well-substantiated complaints submitted in a timely manner, will result in any outcome that makes the complaint worthwhile to file. The reality is that a small but powerful community of lawyers and political consultants dictate FPPC policy and enforcement actions to serve the political and economic interests of California "Election-Industrial Complex." Your agency has strayed far away from its 1970s founding principles. There is much about the FPPC complaint process that requires considerable reform. The clear message is that your agency is actively seeking to reduce the number of well-substantiated complaints submitted in a timely manner. Not only is dissuasion of filing FPPC timely, well-substantiated complaints a form of "docket control," but also it supports a false narrative that all of California is faithfully following FPPC law and regulations simply because no one is filing timely, well-substantiated complaints.

It's time for the FPPC to genuinely serve the best interests of the nearly 40 million people of California instead of the powerful "Election-Industrial Complex." A \$1,500 fine for a significant violation by a powerful political operator more than four years after a complaint should not inspire confidence in the FPPC by the people of California, especially complainants.

Simply stated, the current FPPC complaint and enforcement system is a "joke" for all parties involved, except to the complainants, who suffer severe retaliation simply for filing an FPPC complaint.

Respectfully submitted,  
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