



March 3, 2023

Jenny Richter for School Board Trustee – SVUSD Area 5 – 2022
Jenny Richter, Candidate



Warning Letter: FPPC No. 2022-00754; Jenny Richter for School Board Trustee – SVUSD Area 5 – 2022

Dear Ms. Richter & Jenny Richter for School Board Trustee – SVUSD Area 5 – 2022,

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received an anonymous complaint alleging that you violated the advertisement disclaimer provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that on a mass mailing your committee sent in support of your campaign, you failed to include both the committee’s address and the committee’s correct name as reflected on its most recently filed Statement of Organization (Form 410).

Under the Act, if a candidate-controlled committee sends a postcard-type mass mailing (over 200 substantially similar pieces of mail), each piece must include in no less than 6-point type and in a color or print that contrasts with the background:

- Committee name and address
- “Paid for by” in the same color and font as the committee name and address and immediately in front of or above the name and address²

Your actions violated the Act because, while the subject mass mailing included the words “Paid for by” preceding a committee name (“Jenny Richter for School Board Saddleback Valley USD 2022”), the name did not match the committee’s name as reflected on its most recently filed Form 410 (“Jenny Richter for School Board Trustee – SVUSD Area 5 – 2022”). Additionally, the mailing did not include the committee’s street address. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because it was clear that the committee sent the mass mailing, and the mailing included a hyperlink to your campaign website, so the violation resulted in minimal public harm. Additionally, you have no history of violating this section of the Act.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84305.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.³ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁴ Additionally, discretion was used for violations that caused minimal public harm when the committee had a small amount of activity.⁵ This resolution may not be used as a comparable case for other enforcement matters.⁶

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you have any questions regarding this letter, please contact Ginny Brown at 916-322-8064 or gbrown@fppc.ca.gov.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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³ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁴ Regulation 18360.1.

⁵ Regulation 18360.2.

⁶ See Regulation 18361.5, subdivision (e)(3).