



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

July 30, 2018

Dave Myers
o/b/o Dave Myers for Sheriff 2018
6810 Colorado Avenue
La Mesa, CA 91942
Also sent via email at: dave@davemyersforsheriff.com

Warning Letter Re: FPPC No. 2018-00156; Dave Myers for Sheriff 2018 and Dave Myers

Dear Mr. Myers and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint filed against you that alleged you and Dave Myers for Sheriff 2018 (the “Committee”) violated the Act’s campaign reporting and disclosure requirements. The complaint also alleged that the Committee’s campaign statement failed to include per election to date totals for the relative election.

The Enforcement Division has completed its review of this matter. Specifically, we found that you and the Committee failed to timely report complete contributor information for approximately 6% of the total contributions received during the reporting period of July 1, 2017 through December 31, 2017. Additionally, we found that the per election to date totals were not initially disclosed due to an error with the online filing system. However, you and the Committee amended its campaign statement to disclose the per election totals prior to the election. Further, Section 85318 is applicable to candidates for elective state office, not to candidates for local offices.

The Act requires candidates and their controlled committees to disclose on their campaign statements the name, street address, occupation, and employer, or if self-employed, the name of the contributor’s business for every individual who contributed \$100 or more to the campaign during the statement period.²

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 84211, subdivision (f)

Your actions violated the Act because you and the Committee failed to timely disclose complete contributor information for approximately 6% of the total contributions received for the reporting period of July 1, 2017 through December 31, 2017. However, the Enforcement Division has decided to close this case with this warning letter rather than issue a fine because you and Committee filed an amendment to their semi-annual campaign statement to disclose the missing contributor information immediately after contact by the Enforcement Division and prior to the June 5, 2018 Primary Election. Further, neither you nor the Committee have a prior enforcement history of violating the Act.

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.

Please note that as long as the Committee remains open, you will continue to have a filing obligation and continue to pay the annual fee to the Secretary of State's Office. This filing obligation and annual fee payment continues until you terminate the committee by filing both a Form 460 and Form 410 Termination Statement. For more information regarding your filing obligations, please visit our website at fppc.ca.gov.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. 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.

Please feel free to contact Chloe Hackert at (916) 322-8190 or chackert@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,



Galena West, Chief
Enforcement Division

GW/ch

cc: Mr. Jason Roe, sworn complainant