



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

October 14, 2019

Dave Cortese  
70 West Hedding Street 10th Floor  
San Jose, CA 95110  
Via email: dave.cortese@bos.sccgov.org

Re: Complaint No. COM-10142019-02253; Dave Cortese

Dear Mr. Cortese:

The Enforcement Division of the Fair Political Practices Commission has received a sworn complaint against you. It appears the complainant is alleging you have violated the Political Reform Act's<sup>1</sup> advertisement disclaimer provisions. The information filed in the complaint is below and any attachments filed are enclosed. The complaint was filed against all those listed above.

**The person filing the Complaint is:**

Elaine Jennings  
Complainant

[REDACTED]  
Via email: [REDACTED]

**The violations alleged are:**

*Violation of Rules Regarding Contributions  
Contributions Received for Primary and General (85318)*  
Please see letter and attachments.

**Advertisement Disclaimers effective 2018  
Electronic Media Ads (e.g. Web Sites and Social Media) (84504.3)**

Please see letter and attachments.

At this time, we have not made any determination about the allegation(s) made in the complaint. Within 14 days, the complainant will be notified of our intent to:

- investigate the allegations of the complaint;
- refer the complaint to another governmental agency;

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<sup>1</sup> 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.

- take no action on the complaint because, on the basis of the information provided, the Commission does not appear to have jurisdiction to investigate; or
- take no action on the complaint because the allegations of the complaint do not warrant the Commission's further action.

A copy of that letter will be forwarded to you. If you have any comments on the allegation(s), your comments must be submitted in writing directed to Teri Rindahl at the address shown above or by email to [trindahl@fppc.ca.gov](mailto:trindahl@fppc.ca.gov). Please include the complaint number referenced above in your response.

Sincerely,



Galena West  
Chief, Enforcement Division

GW:tr

October 14, 2019

Ms. Galena West  
Chief, Enforcement Division  
FPPC  
1102 Q Street, #3000  
Sacramento, CA 95811

Dear Ms. West:

I write to make a sworn complaint against Santa Clara County Supervisor Dave Cortese and his candidate controlled campaign committee, Dave Cortese for Senate 2020, FPPC ID No. 1403576. Mr. Cortese has severely abused his public office by using Santa Clara County resources for his campaign. He has used not only County staff time for campaign purposes, but also given away County property at his campaign rallies. He has also used his County e-mail and phone number on campaign communications. He has also repeatedly failed to provide the legally required disclosure on e-mail campaign communications. I request the FPPC move swiftly to stop these illegal actions from continuing to occur.

#### **Facts**

Dave Cortese is a Santa Clara County Supervisor. Additionally, he is a candidate for State Senate District 15 in the March 2020 primary election. His candidate controlled campaign committee is Dave Cortese for Senate 2020. The committee ID number for this committee is 1403576.

As a County Supervisor, Cortese has used both physical and electronic County resources in direct support of his campaign. As detailed in Attachment A, Cortese has used County funds under his control to sponsor a "Rose, White and Blue Parade." This event was not held within his Supervisorial district, but was within the boundaries of State Senate District 15. In this County funded parade, Cortese rode in a vehicle emblazoned with his campaign banners and had individuals (some of whom may have been County staff members) holding campaign signs. These individuals were also handing out tote bags that had the County logo on them and were paid for with County funds. Further, Attachment B is a campaign e-mail sent out by Cortese's campaign that refers recipients of his campaign e-mail to his County phone number and e-mail. By placing his County e-mail and phone number on his campaign communication, Cortese used County resources to respond to any campaign inquiries that were sent by recipients of the campaign communications. Cortese must be compelled to report these in-kind contributions on his next required campaign disclosure reports.

Cortese's campaign is also distributing e-mail campaign solicitations without the required advertisement disclosure. Attachment B is an e-mail sent out by the Cortese Senate campaign

that does not contain the required "Paid for By" disclosure. Attachment C is a news article that contains a picture of a campaign e-mail sent out by Cortese that also does not have required advertisement disclosure. I believe that there are numerous other e-mails sent by the Cortese campaign that also fail to provide proper advertisement disclosure that could be discovered by the FPPC through its investigative powers.

**Statutes and Regulations Violated**

Government Code Section 84211 – Requirement to Disclose Campaign Contributions Received  
Government Code Section 84504 and FPPC Regulation 18450.4 – Required Advertisement Disclosure

Thank you for your prompt attention to this matter.

Sincerely,



Elaine Jennings