

## Sasha Linker

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**From:** Jack Hickey [REDACTED]  
**Sent:** Sunday, December 16, 2018 4:38 PM  
**To:** CommAsst  
**Subject:** Matter of San Francisco Bay Area Rapid Transit District (BART) FPPC No. 16/19959

From the desk of  
Jack Hickey  
December 16, 2018

Alice Germond, Chair  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

Re: In the Matter of San Francisco Bay Area Rapid Transit District (BART)  
FPPC No. 16/19959

Dear Ms. Germond:

As a taxpayer's advocate, I have gathered much information regarding the questionable use of public funds to influence elections. I commend the Commission for recognizing such activity by Bart in this instance, and urge you to remedy that situation with the full power of your agency.

In this letter, I seek to inform the Commission of other similar instances of "electioneering" by public agencies which are as egregious, or more, than the BART activity.

I bring to your attention, three instances of such "electioneering" which fit the criteria defining "the functional equivalent of "express advocacy" found in *Leake, 525 F.3d at 282-83*.

1. SamTrans and San Mateo County expenditure of ~\$1,500,000 to hire a consulting firm(TBWB) for a 5 step campaign to pass a ½% sales tax in San Mateo County. Such campaign includes coordination with volunteer campaign committees who share the "work product" paid for with public funds. I filed a complaint, COM-12102018-03134, with your agency on 12/10/2018.

2. Sequoia Union High School District hired the same TBWB consulting firm for a campaign to pass a \$265 million bond measure.

See: <https://www.almanacnews.com/square/2014/04/10/suhsd-265000000-bond-measure-state-matching-funds-and-grand-jury-report>

3. Sequoia Healthcare District pre-election expenditures for mass mailings within weeks of an election for Boardmembers. Initially advised of the questionable timing of Annual Report mailings in 2012, the district has continued the practice, even after enactment of SB45 in 2017. See:

<https://www.almanacnews.com/square/2012/10/19/sequoia-healthcare-district-brochure-coming>

On 10/29/2018, The Sequoia Healthcare District mailed out 83,734 Annual Reports to Local Residential Customers, with postage of \$13,899.84.

I will be filing an FPPC complaint against the district.

Jack Hickey

