

Sasha Linker

From: Ken Mettler <[REDACTED]>
Sent: Saturday, September 10, 2022 11:54 AM
Subject: FPPC 2018-524 In the Matter of Kern County District Attorney Cynthia Zimmer, et al
Attachments: KLM Response to FPPC closure 9.9.22.pdf; 18-524 Closure Ltr 9-9-22.pdf; tv 23 fppc investigating.pdf

EXTERNAL EMAIL

FPPC Commissioners:

I am alerting you to this case.

Please review.

KEN METTLER

[REDACTED]

From: Ken Mettler
Sent: Saturday, September 10, 2022 10:56 AM
To: Theresa Gilbertson <TGilbertson@fppc.ca.gov>
Subject: FPPC 2018-524 In the Matter of Kern County District Attorney Cynthia Zimmer, et al

Galena West, Executive Director
Angela Brereton, Enforcement Division Chief
Richard C. Mindich, Chair
Abby Wood, Commissioner
Catharine Baker, Commissioner
E. Dotson Wilson, Commissioner
David Bainbridge, Legal Division General Counsel
Theresa Gilbertson, Senior Commission Counsel

FPPC No. 2018-524, In the Matter of Cynthia Zimmer for Kern County District Attorney 2018, Cynthia Zimmer, Zach Scrivner, Cathy Abernathy, Western Pacific Research, Matthew Martin, Nathan Banks, Halle Cornejo, Bryan Williams, Thomas Montgomery, Ted Costa, People's Advocate PAC, Central Valley Young Republicans PAC, Kern County Young Republicans PAC, and Young Republicans for Zimmer PAC

FPPC:

In addition to the egregious Fair Political Reform Act violations of 81804, 84302, 84303, 85500, and 85701 there are the following violations referred to in the news article dated 7.23.18 quoting the sections cited by the FPPC that is attached.

- 1) Coordinated with multiple committees to circumvent Measure K (FPPC regs in effect in 2018) including "Behest" and/or "Presumptions of Coordination due to non-filing, common agent or consultant (perjury/fraud), multiple replications" – no violations?
- 2) Unidentified and mis-identified advertising/mailers -no violations?
- 3) Contribution Limits Violation (85306) – no violations?

- 4) Laundered Contributions; Contributions by Intermediary or Agent (84302) – no violations?
- 5) Campaign Reporting Inaccurate/Incomplete (84303) Coordinated “IE Committees” – no violations?
- 6) Campaign Statements Not Filed (Form 460): IE and Major Donor; Non-existent “committees” (84200) – no violations?
- 7) Violation of Rules Regarding Contributions; Violations of Voluntary Expenditure Limits (85403) – no violations?
- 8) Advertising Disclaimer “Not Authorized by the Candidate” for IE (84506.5) Chad Louie for Judge – no violation?
- 9) Conflict of Interest (83121.5) – no violation?
- 10) Slate Mailer Violations; Slate Mailer ID used for a single candidate; mis-identified, etc. – no violations?
- 11) Filing Officer Duties (81010) Form 462 not filed for five committees – no violations?

WE PROVIDED AMPLE EVIDENCE BEYOND THE PRIMA FASCIA PUBLIC DOCUMENTS TO THE FPPC PROVING THE VIOLATIONS INCLUDING RECEIPTS, EXAMPLES, VIDEOS, ETC. and it resulted in four years of inaction?

WHY DID THE FPPC WAIT FOUR YEARS TO RESPOND UNTIL AFTER KERN COUNTY DISTRICT ATTORNEY CYNTHIA ZIMMER RAN UNOPPOSED FOR RE-ELECTION?

WHY DID THE FPPC WAIT FOUR YEARS TO RESPOND UNTIL JUST AFTER THE STATUTE OF LIMITATIONS HAS PASSED TO ENFORCE THE KERN COUNTY CAMPAIGN REFORM ORDINANCE aka MEASURE K?

Sincerely,

KEN METTLER



From: Ken Mettler
Sent: Friday, September 9, 2022 7:24 PM
To: Theresa Gilbertson <TGilbertson@fppc.ca.gov>
Subject: FPPC 2018-524 In the Matter of Zimmer, et al

Ms. Theresa Gilbertson:

I am in receipt of your closure letter dated 9.9.22 and I have attached a response.

Cynthia Zimmer for Kern County District Attorney exceeded the maximum expenditure limits of the Kern County Campaign Reform Ordinance (KCCRO) aka Measure K and then her political campaign manager, Western Pacific Research (WPR) coordinated various “independent expenditures” on her benefit to further exceed the limits.

Cynthia Zimmer, et al violated the CA Political Reform Act under sections 81804 Perjury; 84302 Contributions by Intermediary; 84303 Expenditure by Agent, Coordinated IE Committee; 85500 Independent Expenditure Coordination; and 85701 Laundered Contributions

It is prima fascia evidence that there was coordination if a fraudulent Form 462 is filed or no Form 462 is filed. Two of the “Committees” filed fraudulent Form 462s and the other four did not file as “independent committees”. Your letter only mentions one “independent committee”, the others also were blatantly coordinated.

Presumption of Coordination via Agent, Common Consultants ... by Cynthia Zimmer, et al of six “independent committees”.

Please explain how **Matthew Martin is the Chief of Staff of Western Pacific Research (WPR) the campaign manager for Zimmer and at the same time is the executive officer of the Central Valley Young Republican PAC (CVYR PAC) doing an “independent expenditure” for Zimmer and he did not “coordinate” and commit perjury in signing the 462 Form.**

We are baffled that the California Political Reform Act can be violated with impunity.

Sincerely,

KEN METTLER

[REDACTED]

From: Theresa Gilbertson <TGilbertson@fppc.ca.gov>
Sent: Friday, September 9, 2022 4:33 PM
To: [REDACTED]
Subject: FPPC 2018-524 In the Matter of Zimmer, et al

Re: FPPC No. 2018-00524, In the Matter of Zack Scrivner, Cynthia Zimmer, Bryan Williams, Zimmer for Kern County District Attorney 2018, Cathy Abernathy, Western Pacific Research, Matthew Martin, Nathan Banks, Halle Cornejo, Thomas Montgomery, Ted Costa, People’s Advocate PAC, Central Valley Young Republicans PAC, Kern County Young Republicans PAC, and Young Republicans for Zimmer PAC

You are receiving this email because you filed a sworn complaint in this matter. Please see the attached letter regarding final disposition of this matter. If you have questions or concerns, please feel free to contact me. My information is below.

Sincerely,

Theresa Gilbertson

Senior Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION



1102 Q St, Ste 3000 | Sacramento, CA 95811
Office: (916) 323-6421 | Mobile: (916) 382-2170
Email: tgilbertson@fppc.ca.gov

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STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

September 9, 2022

Chuck Bell
On behalf of People's Advocate PAC and Ted
Costa

On behalf of Thomas Montgomery
On behalf of Western Pacific Research,
including Cathy Abernathy, Halle Cornejo,
and Nathan Banks

Matthew Martin
On behalf of Kern County Young
Republicans PAC

Cynthia Zimmer

Zack Scrivner

Bryan Williams

Devlin Harbour
On behalf of Central Valley Young
Republicans PAC

Kern County Republican Central Committee

Re: No Action Closure Letter - FPPC No. 2018-00524, In the Matter of Zack Scrivner, Cynthia Zimmer, Bryan Williams, Zimmer for Kern County District Attorney 2018, Cathy Abernathy, Western Pacific Research, Matthew Martin, Nathan Banks, Halle Cornejo, Thomas Montgomery, Ted Costa, People's Advocate PAC, Central Valley Young Republicans PAC, Kern County Young Republicans PAC, and Young Republicans for Zimmer PAC

Dear all:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ The Enforcement Division received sworn complaints alleging coordination between the committee, Zimmer for Kern County District Attorney 2018, and several committees that ran independent expenditure ads in support of Zimmer, including the People's Advocate PAC, Central Valley Young Republicans PAC, Kern County Republican Central Committee, and Kern County Young Republicans Voting Guide.

The Act defines independent expenditures to mean, "expenditures made by any person ... in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate ... which is not made to or at the behest of the affected candidate or committee."² Regulation 18225.7 defines the term, "made at the best of," to mean, "made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of the candidate or committee."

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

² Section 82031.

In this matter, the complainants alleged that the committee, Zimmer for Kern County District Attorney 2018, had a motive to coordinate advertisement expenditures with other committees because the Zimmer committee had already nearly spent the maximum allowed under Kern County law. In the last 16 days prior to the election, several committees, including the People's Advocate PAC, ran advertisements supporting Zimmer. The advertisements were reported as independent expenditures. After an investigation, the Enforcement Division found insufficient evidence to find that a violation has occurred.

Based on the foregoing, we have closed our investigation against the Respondents in this matter.

If you have any questions regarding this matter, please feel free to contact me at 916-323-6421.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Sworn Complainant, Ken Mettler
Sworn Complainant, Michael Yraceburn

September 9, 2022

Ms. Theresa Gilbertson
Fair Political Practices Commission
1102 Q Street Suite 3000
Sacramento, CA 95811
tgilbertson@fppc.ca.gov
916.323.6421
916.382.2170 (m)

FPPC No. 2018-00524

Kern County District Attorney Elect Cynthia Zimmer, Zimmer for Kern County District Attorney 2018, Cathy Abernathy, Western Pacific Research, Matthew Martin, Nathan Banks, Halle Cornejo; Thomas Montgomery, Edward "Ted" Costa, People's Advocate PAC, Central Valley Young Republicans PAC, Kern County Young Republicans PAC, Young Republicans for Zimmer PAC, Zack Scrivner, Bryan Williams, Kern County Young Republicans Voting Guide, Kern County Young Republicans, Kenton Weir, and Kern County Republican Central Committee

Dear Theresa Gilbertson,

I am in receipt of your closure letter and I am baffled at the conclusion.

Cynthia Zimmer for Kern County District Attorney exceeded the maximum expenditure limits of the Kern County Campaign Reform Ordinance (KCCRO) aka Measure K and then her political campaign manager, Western Pacific Research (WPR) coordinated various "independent expenditures" on her benefit.

Cynthia Zimmer, et al have violated **CA Political Reform Act (CPRA)** under sections **81804** Perjury; **84302** Contributions by Intermediary; **84303** Expenditure by Agent, Coordinated IE Committee; **85500** Independent Expenditure Coordination; and **85701** Laundered Contributions

It is prima fascia evidence that there was coordination if a fraudulent Form 462 is filed or no Form 462 is filed. Two of the "Committees" filed fraudulent Form 462s and the other five did not file as "independent committees".

Presumption of Coordination via Agent, Common Consultants..... by Cynthia Zimmer, et al of the following "Committees":

- 1) **People's Advocate PAC (PA PAC) recipient committee #1404970**

A Form 462 was fraudulently filed by Edward "Ted" Costa under penalty of perjury on 5/29/18.

Edward “Ted” Costa, the CEO of the PA PAC signed a media form as “People’s Advocate PAC/WPR”. Also, Nathan Banks, Jr., the Executive Assistant to the Chief of Staff at WPR, states on a media form that he is the “media and marketing director” of People’s Advocate PAC and as “Nathan Banks of People’s Advocate”.

Nathan Banks is an employee of WPR. This is coordination.

2) Central Valley Young Republicans PAC (CVYR PAC) recipient committee #801804

A Form 462 was fraudulently filed by Matthew G. Martin under penalty of perjury on 6/3/18.

Matthew Martin is the Chief of Staff at WPR and is an officer of CVYR PAC. This is coordination.

The CVYR PAC did not file pre-election statements, nor reports for 1/1/18 to 4/21/18 and 4/22/18 to 5/19/18. They spent in excess of \$30,000, but there is no report of where the money came from.

No Form 462 was filed under penalty of perjury for the following committees:

- 3) Kern County Young Republicans PAC (KCYR PAC) non-existent slate mailer organization**
- 4) Young Republicans for Zimmer PAC non-existent**
- 5) Kern County Young Republicans Voting Guide (KCYR Voting Guide) slate mailer organization #590013**
- 6) Kern County Young Republicans (KCYR) non-existent committee**
- 7) Kern County Republican Central Committee (KCRCC) recipient committee #770873**

Sincerely,

Ken Mettler



Fair Political Practices Commission investigating D.A.-elect Cynthia Zimmer

POSTED: 5:52 PM, Jul 23, 2018

UPDATED: 6:02 PM, Jul 23, 2018

Share Article

The Fair Political Practices Commission is investigating Kern County District Attorney-elect Cynthia Zimmer.

The FPPC released documents Monday outlining the investigation into Zimmer.

ADVERTISING

The allegations against Zimmer are listed as follows:

- Local Ordinance/Local Contribution; Limits Zimmer et al coordinated with multiple committees to circumvent Kern County Campaign Reform (sic) Ordinance aka Measure K.
- Unidentified Advertisement or Mailer; Direct mail and slate mailers mis-identified
- Contribution Limits Violation; Transfer between Candidate Committees (85306) Multiple committees used to circumvent local ordinance aggregate campaign expenditure limit, individual and committee campaign contribution limits.
- Laundered Campaign Contributions; Contributions by Intermediary or Agent (84302) Contributions funneled via fraudulent IE Committees to violate Measure K.
- Campaign Reporting Inaccurate/Incomplete; 84303 - Expenditure by Agent or Independent Contractor. Coordinated "IE Committees"
- Campaign Statements Not Filed; Independent Expenditure Committee and Major Donor Committee Campaign Statement (84200) Non existent "committees"; etc.
- Violation of Rules Regarding Contributions; Violations of Voluntary Expenditure Limits (85403) Exceeding limits of Measure K.
- Advertisement Disclaimers effective 2018; "Not Authorized by the Candidate" Disclaimer for Independent Expenditure Ads (84506.5) Chad Louie for Judge mail piece
- Conflict of Interest 831215

- Slate Mailer Organizations Violations; Slate mailer ID used for a single candidate; mis-identified, etc
- Filing Officer Duties; Duties of the Filing Officer (81010) Form 462 not filed on five committees; CA Penal Code 118(a) Perjury and 182 Conspiracy, etc

The letter from the FPPC names Ken Mettler as the complainant.

The complaint was filed against Zimmer along with Zack Scrivner; Bryan Williams; Zimmer of Kern County District Attorney; Cathy Abernathy; Western Pacific Research; Matthew Martin; Nathan Banks; Halle Cornejo; Thomas Montgomery; Edward "Ted" Costa; People's Advocate PAC; Central Valley Young Republicans PAC; Kern County Young Republicans PAC; Young Republicans for Zimmer PAC.

23ABC reached out to Zimmer seeking comment, but has not heard back.

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LOCAL NEWS

Winning Mega Millions numbers announced

Tuesday's Mega Millions number's are: 19, 2, 4, 1, 29 with a Mega Ball of 20. The megaplier is 3x.

Bakersfield College helps first year students

Kern County students are getting prepared to return to class soon and one Bakersfield program is doing its best to bridge the gap for...

BPD arrest man for firearm violations

Bakersfield Police Officers arrested Victor Lopez, 24 on Tuesday afternoon, just after 2:45 p.m. Officers said that they conducted a traffic...

Drama surrounds Kern County elected officials

Supporters of Kern County Supervisor Leticia Perez gathered in downtown Bakersfield on Tuesday, showing support as Perez attended her first...

[MORE LOCAL NEWS](#)