



California Public Employees' Retirement System  
Legal Office  
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[www.calpers.ca.gov](http://www.calpers.ca.gov)

September 16, 2019

*By Email and U.S. Mail*

Ms. Margaret Ellen Brown  
10487 Bridge Haven Road  
Apple Valley, CA 92308-3673  
[calpersmargaret@gmail.com](mailto:calpersmargaret@gmail.com)

**Subject: Cease and Desist Use of CalPERS' Name**

Dear Board Member Brown:

It has come to our attention that you are again using the CalPERS name without authorization. Specifically, the display name associated with your Twitter account displays as CalPERS. Additionally, it appears this Twitter account is being used to promote or campaign on behalf of a candidate. As discussed more fully in the attached letters from 2017, this violates prohibitions in California Government Code section 8314, California Business and Professions Code section 17533.6, as well as the federal trademark laws that protect the trademarks owned by CalPERS.

As we have explained in our previous letters, California Government Code section 8314 expressly prohibits using public resources, such as the name of a state agency, for campaigning and/or personal or other purposes not authorized by law. California Business and Professions Code section 17533.6 similarly prohibits any person from using a state agency's name, such as CalPERS, when the use could be construed as implying the state agency's connection, approval or endorsement unless the person has the express authorization of the state agency. CalPERS has not authorized you to use its name in the above-described manner.

Further, the name "CalPERS" is a registered trademark of the California Public Employees' Retirement System (United States Patent and Trademark Office registration number 2639193, registered October 22, 2002) and the use of the word "CalPERS" for unauthorized purposes violates CalPERS' federal trademark rights.

For the reasons set forth above, CalPERS formally requests that you **immediately** discontinue use of "CalPERS" as your Twitter display name. This request applies equally across all social media as well as any other similar unauthorized use of CalPERS' name.

Margaret Brown  
September 16, 2019  
Page 2 of 2

Failure to comply with this request may result in legal liability. For your reference, enclosed with this letter are copies of the Business and Professions Code section 17533.6 and Government Code section 8314.

If you have any questions, you can reach me by telephone at (916) 795-3703 or by email at [kim.malm@calpers.ca.gov](mailto:kim.malm@calpers.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly A. Malm", with a long horizontal flourish extending to the right.

Kimberly A. Malm, Division Chief  
Operations Support Services Division

Enclosures

Cc: Twitter Inc.

### **Gov. Code § 8314. Use of public resources for unauthorized purposes**

(a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c)(1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid

the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

**Bus. & Prof. Code § 17533.6. Nongovernmental entity use of term or symbol that could be interpreted to imply government, military, or veteran entity; conditions**

(a) Except as described in subdivisions (b) and (c), it is unlawful for any person, firm, corporation, or association that is a nongovernmental entity to use a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government, military veteran entity, or military or veteran service organization connection, approval, or endorsement of any product or service, including, but not limited to, any financial product, goods, or services, by any means, including, but not limited to, a mailing, electronic message, Internet Web site, periodical, or television commercial disseminated in this state, unless the nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization.

(b) Notwithstanding subdivision (a) and if permitted by other provisions of law, any person, firm, corporation, or association that is a nongovernmental entity may advertise or promote any event, presentation, seminar, workshop, or other public gathering using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content as described in subdivision (a), if the person, firm, corporation, or association that is a nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization.

(c) Notwithstanding subdivision (a), any person, firm, corporation, or association that is a nongovernmental entity may solicit information, solicit the purchase of or payment for a product or service, or solicit the contribution of funds or membership fees, by any means, including, but not limited to, a mailing, electronic message, Internet Web site, periodical, or television commercial disseminated in this state, using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content as described in subdivision (a), if the person, firm, corporation, or association that is a nongovernmental entity meets the requirements of paragraph (1) or (2) as follows:

(1) The nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government entity, if permitted by other provisions of law.

(2)(A) The solicitation meets all of the following requirements:

(i) The solicitation conspicuously displays the following disclosure on the front and back of every page of the solicitation:

“THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT.”

(ii) In the case of a mailed solicitation, the front of the envelope, outside cover, or wrapper in which the matter is mailed conspicuously displays the following disclosure:

“THIS IS NOT A GOVERNMENT DOCUMENT.”

(iii) If permitted by other provisions of law, in the case of a television commercial disseminated in this state, the solicitation conspicuously displays the following disclosure at the top of the television screen for the entire duration of the television commercial:

“THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT.”

(iv) The disclosure in clause (i) shall be displayed conspicuously, as provided in subdivision (f), and immediately below each portion of the solicitation that reasonably could be construed to specify an amount due and payable by the recipient. The disclosure in clause (ii) shall be displayed conspicuously, as provided in subdivision (f), and immediately below the area of the envelope, outside cover, or wrapper that is used for a return address. The disclosure in clause (iii) shall be displayed conspicuously, as provided in subdivision (f), and at the top of the television screen. The disclosures in clauses (i), (ii), and (iii) shall not be preceded, followed, or surrounded by symbols, terms, or other content that result in the disclosures not being conspicuous or that introduce, modify, qualify, or explain the text of those disclosures.

(v) The solicitation does not use a title or trade or brand name that reasonably could be interpreted or construed as implying any federal, state, or local government connection, approval, or endorsement, including, but not limited to, use of the term “agency,” “administrative,” “assessor,” “board,” “bureau,” “collector,” “commission,” “committee,” “department,” “division,” “recorder,” “unit,” “federal,” “state,” “county,” “city,” or “municipal,” or the name or division of any government agency.

(vi) The solicitation does not specify a date or time period when payment to the soliciting nongovernmental person, firm, corporation, or association is due, including, but not limited to, use of the terms “due date,” “due now,” “remit by,” “remit immediately,” “payment due,” “pay now,” “pay immediately,” or “pay no later than,” unless the solicitation displays, in the same sentence as the date or time period specified, how the information being solicited will be used, a description of the product or service that is to be provided and to what government agency it shall be rendered, or how the solicited funds or membership fees will be used, as applicable.

(vii) The solicitation does not state or imply that payment to any person, firm, corporation, or association that is not a government entity is mandatory or required by law, or state or imply that penalties, fines, or consequences will occur if payment is not made to the soliciting nongovernmental person, firm, corporation, or association.

(B) Subparagraph (A) is not applicable to seals, emblems, insignia, trade or brand name, or any other term, symbol, or content of the United States Department of Veterans Affairs, the Department of Veterans Affairs, the federal and state military, military veteran entities, and military or veteran service organizations.

(d) Notwithstanding Section 17534, any violation of this section is a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

(e) Any person who is harmed as a result of a violation of this section shall be entitled to recover, in addition to any other available remedies, damages in an amount equal to three times the amount solicited.

(f) For purposes of this section, "conspicuous" or "conspicuously" means displayed apart from other print on the page, envelope, outside cover, or wrapper and in not less than 12-point boldface font type in capital letters that is at least 2-point boldface font type sizes larger than the next largest print on the page, envelope, outside cover, or wrapper and in contrasting type, layout, font, or color in a manner that clearly calls attention to the language.



California Public Employees' Retirement System  
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March 10, 2017

Ms. Margaret Ellen Brown  
7725 Gateway Unit 3226  
Irvine, CA 92618-5842

**Re: Calpersboard.com Website**

Dear Ms. Brown:

On behalf of CalPERS, we request that you immediately cancel the domain name "calpersboard.com" that you have been using as part of your campaign for a seat on the CalPERS Board of Administration. Use of the domain name violates California Code of Regulations section 554.2(d), which prohibits candidates for the CalPERS Board from using the CalPERS logo, website, or other trademarks in campaign materials. It also appears to violate California Business and Professions Code section 17533.6 regarding use of an Internet website to solicit contributions if the website reasonably could be construed to imply a state agency connection, approval, or endorsement. As a public agency, CalPERS does not and cannot endorse a candidate for the CalPERS Board of Administration. Your use of a domain name similar to domain names used by CalPERS could be perceived by voters as an endorsement by CalPERS of your candidacy.

We understand and appreciate that you added a disclaimer to your website, but now we see that visitors to calpersboard.com are immediately and automatically sent to the official CalPERS site, my/CalPERS Self Service. In addition, when we searched the Internet for "Margaret Brown CalPERS," we were directed to <http://calpersboard.com/index.html>, which contains campaign material about your candidacy and an invitation to "Contact Margaret" using the email address [margie@calpersboard.com](mailto:margie@calpersboard.com). Thus, it appears that you continue to use calpersboard.com both for email and campaign purposes, creating an on-going risk that voters will believe that CalPERS has endorsed your candidacy.



Ms. Brown  
March 10, 2017  
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Please let me know immediately whether you will honor our request to discontinue use of the domain name calpersboard.com. If you fail to do so, CalPERS reserves the right to take all appropriate legal action. You can reach me by telephone at (916) 795-3703 or by email at kim.malm@calpers.ca.gov. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly A. Malm". The signature is fluid and cursive, with the first name being the most prominent.

Kimberly A. Malm, Division Chief  
Operations Support Services Division



California Public Employees' Retirement System  
Operations and Technology  
P.O. Box 942709  
Sacramento, CA 942709-2709  
TTY: (877) 249-7442  
(916) 795-3007 phone • (916) 795-4607 fax  
[www.calpers.ca.gov](http://www.calpers.ca.gov)

May 23, 2017

Ms. Margaret Ellen Brown  
7725 Gateway Unit 3226  
Irvine, CA 92618-5842

**RE: Warning – Campaign Activities**

Dear Ms. Brown:

At present, you are a qualified candidate to run in the upcoming election for the CalPERS Board of Administration. This is a warning that the CalPERS Elections Team has identified campaign materials established to promote your election campaign that may violate applicable laws and regulations, as more specifically set forth below.

***Calpersboard.com Website, Facebook, Twitter***

As detailed in my letter to you dated March 10, 2017, use of the domain name "calpersboard.com" violates California Code of Regulations, title 2, section 554.2, subdivision (d), and appears to violate California Business and Professions Code section 17533.6. Following that letter, for a period of time, the domain name changed to "brown4calpers.com" in compliance with CalPERS request. However, as of today, the domain name hosting your campaign materials on the internet appears as "calpersboard.com." As such, it is again out of compliance with applicable laws and regulations as set forth in my March 10, 2017 letter.

***NOTE: This applies equally to your campaign usage of "calpersboard" for linking to your campaign Facebook page, Twitter account, or any other form of social media.***

***The CalPERS Logo***

Your campaign webpage clearly displays the CalPERS logo, in large part, on the banner at the top of the page adjacent to your headshot. Although it is not the logo in its entirety, it is an integral portion and plainly attributable to CalPERS.

The CalPERS logo is a trademark of CalPERS registered with the U.S. Patent and Trademark Office and may not be used without the express permission of CalPERS. (Ref. US Serial Number: 76328980, US Registration Number: 2639193.) To be clear, CalPERS does not grant permission to you or any other candidate for the use of its logo, website, or other trademarks for campaign purposes.

Moreover, use of the CalPERS logo for campaign purposes, whether with CalPERS' permission or not, violates existing California Code of Regulations, title 2, section 554.2, subdivisions (d) and/or (h), which prohibit use of public resources, and specifically the CalPERS logo, for campaign purposes. Similarly, Government Code section 8314 expressly prohibits use of public resources for campaigning and personal purposes. The penalty for violation of these sections could range from invalidation of the election results pursuant to a protest under California Code of Regulations, title 2, section 554.11, to a monetary penalty of \$1,000.00 per day for each day that a public resource is used for campaign/personal purposes, among other things.

### ***Cease and Desist***

For the reasons set forth above and those in my letter to you dated March 10, 2017, CalPERS formally requests that you immediately cease and desist from the following actions related to your campaign for election to the CalPERS Board of Administration:

- Use of the internet domain name [calpersboard.com](http://calpersboard.com);
- Use of the Twitter handle "@CalPERSboard" and domain name [twitter.com/calpersboard](https://twitter.com/calpersboard);
- Use of the Facebook domain name [www.facebook.com/calpersboard](https://www.facebook.com/calpersboard); and
- Use of the CalPERS Logo or other trademarks in any way, shape or form.

In accordance with the laws and regulations referenced above, failure to comply with this formal request may result in your exposure to legal liability. For your reference, enclosed with this letter are copies of the referenced laws and regulations including California Code of Regulations, title 2, sections 554.2 and 554.11; Business and Professions Code section 17533.6; and Government Code section 8314.

Ms. Margaret Ellen Brown  
May 23, 2017  
Page 3

If you have any questions, you can reach me by telephone at (916) 795-3703 or by email at [kim.malm@calpers.ca.gov](mailto:kim.malm@calpers.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly A. Malm". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kimberly A. Malm, Division Chief  
Operations Support Services Division

Enclosures

**Code of Regulations, tit. 2, § 554.2. Campaign Guidelines**

Candidates shall adhere to the following campaign guidelines:

- (a) Candidates may not use any state or local agency buildings or facilities for campaign purposes as set forth in Government Code sections 8314, 82015, and 82025.
- (b) Candidates may campaign in public areas of CalPERS owned properties in a manner that does not interfere with business activities.
- (c) Campaign literature may be posted subject to conditions or restrictions established by employer policies or applicable collective bargaining agreements.
- (d) Candidates may not use CalPERS logo, website, or other trademarks in campaign materials.
- (e) Candidates may distribute campaign materials at a CalPERS sponsored candidate forum at locations designated by CalPERS.
- (f) Campaign signs may not be posted on any CalPERS property.
- (g) CalPERS staff, unless running as a candidate, may not be photographed for use in campaign materials.
- (h) Candidates shall not use public resources for campaign purposes, including, but not limited to, the use of government telephones, computers, mailing addresses, web pages, land, buildings, or other resources.
- (i) Candidates are prohibited from claiming reimbursement from an employer or CalPERS for trips to promote their candidacy.

## **Code of Regulations, tit. 2, § 554.11. Protest of an Election**

**(a) The filing of a protest shall not delay the seating of an elected Board member. Such elected Board member shall take office, in accordance with the published election schedule, subject to the potential termination of such Board membership as a result of the protest. Any newly elected member, as the result of a protest, shall hold office for a period equal to the remainder of the term of the vacated office.**

**(b) A candidate may protest an election or a runoff election. A protest shall be filed with the Election Coordinator at the Sacramento Office of CalPERS within 10 working days after the transmission of the certified election results to all parties. A protest shall be in writing, shall be identified using the word "protest", shall specify the election, and shall state the grounds of the protest and suggested remedy.**

**(c) Upon receipt of a valid and timely protest, the Election Coordinator shall mail a copy of the request to all candidates for the same seat. The Board or its designee shall appoint an independent, neutral agent which shall designate a Protest Panel using the following process. The independent agent shall promptly submit simultaneously to each candidate for the same office that is subject of the protest an identical list of names of at least five persons chosen from its panel of arbitrators. Each candidate shall have seven days from the date the list is submitted in which to file an objection with the agent to any name, number the remaining names to indicate order of preference, and return the list to the agent. From among the persons for whom no objection has been filed, and in accordance with the designated order of preference, the agent shall invite members to serve on the Protest Panel. If every proposed panel member receives an objection, or if a panel member selected declines or is unable to act, or if any other reason the appointment cannot be made from the submitted list, the agent shall make the appointment from among other members of the agent's panel of arbitrators without the submission of any additional list. No Board member who is a candidate for election that is the subject of the protest may participate in the selection of the Protest Panel. The decision of the Protest Panel shall be final. The Protest Panel shall be comprised of no less than three people, all of whom are neither employed by CalPERS nor otherwise interested in the outcome of the election that is the subject of the protest. For purpose of the foregoing sentence only, membership in CalPERS does not, by itself, constitute an "interest in the outcome of the election." The Protest Panel shall consider written and/or oral arguments submitted by the protestor and any other interested party, including the Board's staff. Any oral proceedings shall be held in the City of Sacramento. The determination of the Protest Panel shall be rendered within 30 days of selection of the Panel and shall be final and binding on CalPERS and candidates for office. Other procedures, including those for receiving and considering arguments and factual allegations, shall be determined by the Protest Panel in its sole discretion. A protest shall only be granted upon a finding that Board-adopted election procedures were not substantially followed and that, without this lack of substantial compliance, the election outcome would likely have been different.**

**(d) Each candidate participating in the protest shall bear their own expenses in connection with the preparation and presentation of his or her case at the protest proceedings. The fees and expenses of the independent, neutral agent, protest panel, and all other expenses of the protest shall be borne equally by each candidate participating in the protest.**

**Gov. Code § 8314. Use of public resources for unauthorized purposes**

(a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c)(1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid

the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.



**Bus. & Prof. Code § 17533.6. Nongovernmental entity use of term or symbol that could be interpreted to imply government, military, or veteran entity; conditions**

(a) Except as described in subdivisions (b) and (c), it is unlawful for any person, firm, corporation, or association that is a nongovernmental entity to use a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government, military veteran entity, or military or veteran service organization connection, approval, or endorsement of any product or service, including, but not limited to, any financial product, goods, or services, by any means, including, but not limited to, a mailing, electronic message, Internet Web site, periodical, or television commercial disseminated in this state, unless the nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization.

(b) Notwithstanding subdivision (a) and if permitted by other provisions of law, any person, firm, corporation, or association that is a nongovernmental entity may advertise or promote any event, presentation, seminar, workshop, or other public gathering using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content as described in subdivision (a), if the person, firm, corporation, or association that is a nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization.

(c) Notwithstanding subdivision (a), any person, firm, corporation, or association that is a nongovernmental entity may solicit information, solicit the purchase of or payment for a product or service, or solicit the contribution of funds or membership fees, by any means, including, but not limited to, a mailing, electronic message, Internet Web site, periodical, or television commercial disseminated in this state, using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content as described in subdivision (a), if the person, firm, corporation, or association that is a nongovernmental entity meets the requirements of paragraph (1) or (2) as follows:

(1) The nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government entity, if permitted by other provisions of law.

(2)(A) The solicitation meets all of the following requirements:

(i) The solicitation conspicuously displays the following disclosure on the front and back of every page of the solicitation:

**"THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT."**

(ii) In the case of a mailed solicitation, the front of the envelope, outside cover, or wrapper in which the matter is mailed conspicuously displays the following disclosure:

**"THIS IS NOT A GOVERNMENT DOCUMENT."**

(iii) If permitted by other provisions of law, in the case of a television commercial disseminated in this state, the solicitation conspicuously displays the following disclosure at the top of the television screen for the entire duration of the television commercial:

**"THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT."**

(iv) The disclosure in clause (i) shall be displayed conspicuously, as provided in subdivision (f), and immediately below each portion of the solicitation that reasonably could be construed to specify an amount due and payable by the recipient. The disclosure in clause (ii) shall be displayed conspicuously, as provided in subdivision (f), and immediately below the area of the envelope, outside cover, or wrapper that is used for a return address. The disclosure in clause (iii) shall be displayed conspicuously, as provided in subdivision (f), and at the top of the television screen. The disclosures in clauses (i), (ii), and (iii) shall not be preceded, followed, or surrounded by symbols, terms, or other content that result in the disclosures not being conspicuous or that introduce, modify, qualify, or explain the text of those disclosures.

(v) The solicitation does not use a title or trade or brand name that reasonably could be interpreted or construed as implying any federal, state, or local government connection, approval, or endorsement, including, but not limited to, use of the term "agency," "administrative," "assessor," "board," "bureau," "collector," "commission," "committee," "department," "division," "recorder," "unit," "federal," "state," "county," "city," or "municipal," or the name or division of any government agency.

(vi) The solicitation does not specify a date or time period when payment to the soliciting nongovernmental person, firm, corporation, or association is due, including, but not limited to, use of the terms "due date," "due now," "remit by," "remit immediately," "payment due," "pay now," "pay immediately," or "pay no later than," unless the solicitation displays, in the same sentence as the date or time period specified, how the information being solicited will be used, a description of the product or service that is to be provided and to what government agency it shall be rendered, or how the solicited funds or membership fees will be used, as applicable.

(vii) The solicitation does not state or imply that payment to any person, firm, corporation, or association that is not a government entity is mandatory or required by law, or state or imply that penalties, fines, or consequences will occur if payment is not made to the soliciting nongovernmental person, firm, corporation, or association.

(B) Subparagraph (A) is not applicable to seals, emblems, insignia, trade or brand name, or any other term, symbol, or content of the United States Department of Veterans Affairs, the Department of Veterans Affairs, the federal and state military, military veteran entities, and military or veteran service organizations.

(d) Notwithstanding Section 17534, any violation of this section is a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

**(e) Any person who is harmed as a result of a violation of this section shall be entitled to recover, in addition to any other available remedies, damages in an amount equal to three times the amount solicited.**

**(f) For purposes of this section, "conspicuous" or "conspicuously" means displayed apart from other print on the page, envelope, outside cover, or wrapper and in not less than 12-point boldface font type in capital letters that is at least 2-point boldface font type sizes larger than the next largest print on the page, envelope, outside cover, or wrapper and in contrasting type, layout, font, or color in a manner that clearly calls attention to the language.**