



California Fair Political Practices Commission

February 28, 1991

John L. Hollis
3600 Ganado Way
Modesto, CA 95356

Re: Your Request for Advice
Our File No. A-91-079

Dear Mr. Hollis:

You have requested advice concerning the campaign provisions of the Political Reform Act (the "Act").¹

QUESTION

May the Fair Political Practices Commission waive a fine imposed by a local filing officer?

CONCLUSION

The Act provides that no waiver may be granted if a campaign reporting statement is not filed within 10 days after the filer receives specific written notice of the requirement to file.

FACTS

In November 1989, you were elected trustee to the Modesto City Schools, after which you terminated your campaign committee. After missing the July 31, 1990, filing deadline for the reporting period January 1 - June 30, 1990, you were notified in writing by the Stanislaus County Clerk-Recorder that a campaign reporting statement was due. For personal reasons, you did not respond to the notice within the required 10 days. However, you did file your campaign reporting statement 13 days after receiving the County's notice.

On February 6, 1991, the Stanislaus County Recorder's office confirmed that you are compensated \$100 or more per calendar month for your elected office.

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

John L. Hollis
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ANALYSIS

Elected officers whose salaries are \$100 or more per month are required to file a semiannual statement each year no later than July 31 for the period January 1 through June 30. (Section 84200.) Another semiannual statement is due by January 31 of each year for the reporting period July 1 through December 31.² Elected officers who will not receive contributions or make expenditures totaling \$1,000 or more during a calendar year may satisfy these filing requirements by filing a Candidate and Officeholder Campaign Statement -- Short Form (Form 470) no later than July 31 for the entire calendar year. (Section 84206.)

When a filer does not meet the deadline for filing a campaign statement, he or she becomes liable in the amount of \$10 per day after the deadline until the statement is filed. (Section 91013.) The amount of the liability may not exceed the cumulative amount stated in the late statement, or \$100, whichever is greater. (Section 91013(c).)

At the discretion of the filing officer, the liability for a late statement may be waived, provided that the statement is filed within 10 days of the filer's receipt of specific written notification from the filing officer of the filing requirement. (Section 91013.)

The Act does not provide authority for a filing officer or the Commission to waive any fines for statements filed more than 10 days after the receipt by the filer of specific written notification of the filing requirement.

If you have additional questions, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel


by: Kevin S. Braaten-Moen
Political Reform Consultant

cc: Karen Mathews
Stanislaus County Clerk-Recorder

² During a six-month period in which the elected officer is being voted upon, additional statements are required to be filed. (Section 84200.5.)

JAN 21 11 07 AM '91

JOHN L. HOLLIS
3600 GANADO WAY
MODESTO, CA 953
209/521-1093

CALLED 2-6 N/A
CALLED STANISLAUS
CO. RECORDER

ACCOUNTS TO
Nancy, position
pay Δ \$100
per month

Fair Political Practices Commission
P O Box 807
Sacramento, CA 95804

Attn: Technical Assistance

I am a trustee for Modesto City Schools, a low key position politically. I have never hired a campaign manager or treasurer. All efforts on my campaign have been voluntary.

After the Nov. 1989 election, I terminated my committee. I do not plan any further activity on my campaign until 1993, and then only if I choose to run for reelection.

I missed the semi-annual campaign disclosure statement for Jan. 1, 1990 through June 30, 1990 filing date because I was not aware ahead of time that I needed to file this form since there was no committee or activity. My treasurer had moved out of state and I thought all forms were complete. Stanislaus County used to send out forms to be completed and returned. With budget constraints, the county no longer does this. When I did get notice that this form had to be completed, we were out of town a great deal as my wife's father was dying of cancer. This consumed all our time and effort. He did die in November.

Because I did not file within the ten day period, the county is assessing me \$100. They say they can not waive the penalty, only the FPPC can do that. My appeal is that this penalty be waived for a statement that had no activity and not even an active committee. The statement was received by the county only three (3) days past the grace period. I would appreciate your consideration of this matter.

Best regards,

John L. Hollis
John L. Hollis

Kerrin -
Let's discuss.
CW



OFFICE OF
COUNTY CLERK - RECORDER

Telephone 209-525-6313

912-11th Street,
Room 100
Modesto, Ca. 95354

KAREN L. MATHEWS, Clerk-Recorder

September 11, 1990

Mr. John Hollis
3600 Ganado Way
Modesto CA 95356

RE: FPPC Campaign Disclosure Penalty

Dear Mr. Hollis,

According to our records, your campaign disclosure statement was due on July 31, 1990. The statement was not filed until September 7, 1990, despite our letter dated August 22, 1990 urging that you file within 10 days.

Government Code Section 91013 imposes a \$10 a day fine after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or \$100, whichever is greater. Furthermore, the filing officer is prohibited by law from waiving any portion of the liability if the statement is not filed within 10 days after the filing officer sends you specific written notice of the filing requirements.

Therefore, please remit to the Stanislaus County Clerk at 912-11th Street, Room 100, Modesto, CA 95354, your check or money order in the amount of \$100.

Additionally, the form filed (Short Form) is inappropriate. Any officeholder who has a committee must use a Form 490 (Long Form) until the committee is terminated. Please amend your report using the attached forms.

Sincerely,

Karen L. Mathews
County Clerk-Recorder

Encl
KLM/nch

*Committee was terminated Feb, 1990 so
short form was OK. encl*

Revised 10-4-90 to Herbert Nambin, Treasurer 817 Bodden Blvd Modesto CA 95355