



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

December 23, 2013

✓ Pearl Wu
Committee to Elect Pearl G. Wu, M.D. To Hillsborough SB
James Yan, Treasurer

REDACTED

Re: Warning Letter
FPPC No. 13/1255: Pearl Wu; Committee to Elect Pearl G. Wu, M.D. To
Hillsborough SB; and James Yan, Treasurer

Dear Dr. Wu and Mr. Yan:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code Section 81000, et seq. This letter is in response to a complaint filed against you that alleged you failed to file a preelection statement in connection with the Hillsborough School Board's November 5, 2013 election.

According to the documentation obtained during the initial investigation of the allegation, the FPPC found that you and your committee timely filed campaign Forms 470 and 460 in connection with the November 5, 2013 election, but failed to file a late campaign report in connection with the \$1,500 you contributed to your campaign.

The Act requires that candidates and their committees file a late contribution report, Form 497, within 24 hours of receiving a late contribution. (Section 84203.) A late contribution is defined as a contribution, including a loan, that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure within 90 days before the date of the election at which the candidate or measure is to be voted on. (Section 82036.) For the November 5, 2013 election the 24 hour late reporting period was from August 17, 2013 through November 4, 2013. You reported making a \$1,500 contribution to your campaign on September 22, 2013. Since September 22, 2013 date fell within the 24 hour reporting period, you and your committee were required to file a Form 497 no later than September 23, 2013, but failed to do so.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your actions violated the Act because you failed to file the late contribution report within 24 hours of receipt of the \$1,500 contribution as required by Section 84203.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Furthermore, after a review of the campaign statement filed by your committee on October 24, 2013, indicates amendments are necessary. The "Statement cover period" on the Recipient Committee Campaign Statement Cover Page was blank. Since this is the first statement filed by your committee, the period covered should be January 1, 2013 through October 19, 2013. The Campaign Disclosure Statement Summary Page was incomplete. Please provide the figures for Column B, and indicate zeros in both columns A and B in which you have nothing to report. On Schedule D, expenditures amounting to \$1,467 were reported for postage, printing and mailing for campaign flyers made in connection with your election. Under the Act, any expenditure of \$100 or more is required to be itemized on Schedule E, reporting the name, street address, city, state, and zip code of the payee or the creditor, and the amount paid during the period. (Section 84211(k).) Your campaign disclosure statement failed to provide this information. Please immediately file amendments to disclose this information.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Teri Rindahl at (916) 327-2018, with any questions you may have regarding this letter.

Sincerely,

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Gary S. Winuk, Chief
Enforcement Division

GSW/tr