



FAIR POLITICAL PRACTICES COMMISSION

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

April 19, 2013

Harish Sidhu
Harry Sidhu for OC Supervisor 4th District 2010

REDACTED

Barrett Garcia
Treasurer
Harry Sidhu for OC Supervisor 4th District 2010

REDACTED

Re: Advisory Letter
In the Matter of Harish Sidhu, Harry Sidhu for OC Supervisor 4th District 2010, and Barrett Garcia, FPPC No. 12/467

Dear Mr. Sidhu and Mr. Garcia:

The results of a Franchise Tax Board (FTB) audit concerning your campaign for Orange County Supervisor in 2010 have been referred to the Fair Political Practices Commission ("FPPC").

The FPPC enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. The Act requires a campaign committee to file campaign statements reporting contributions and expenditures made by a committee. Loans must be reported as contributions. (See Section 84216.) If a committee receives a loan of \$100 or more, the committee's campaign statement must disclose the amount of the loan, as well as the name, address, occupation, and employer name of the person who made the loan. (See Section 84211, subdivision (f).) Also, a contribution can only be made in the legal name of the person making the contribution. (Section 84301.) A candidate, the candidate's campaign committee, and the committee treasurer are jointly liable for violations of the Act.

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 18109 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.

The FTB audit in this case found that you received a \$50,000 loan from your father that you deposited in your personal checking account, and that two days later you wrote a check from that personal checking account to your campaign committee, Harry Sidhu for OC Supervisor 4th District 2010, ("Committee"), in the amount of \$50,000 that the Committee reported as a loan from you, not your father. The FTB audit concluded that the loan was in fact from your father and should have been reported as such.

After investigating the matter, the FPPC Enforcement Division has determined that further enforcement action for this suspected violation is not warranted because: (1) the evidence is inconclusive regarding the true source of the loan; (2) the FTB audit did not find any other material violations; (3) you do not have a history of violating the Act, and (3) it is unlikely that the alleged violation caused significant public harm.

Although we have decided not to pursue an enforcement action in this matter, your failure to comply with the provisions of the Act in the future could result in an enforcement action. The record in this case will be retained and may be considered should an enforcement action become necessary based on future conduct and/or newly discovered information.

The FPPC publishes forms and manuals to facilitate compliance with the disclosure requirements of the Act. If you need forms or manuals, or have questions regarding any of your filing obligations, please visit our website at www.fppc.ca.gov, or call our Technical Assistance Division at (866) 275-3772.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED 

Dave Bainbridge
Commission Counsel
Enforcement Division