



FAIR POLITICAL PRACTICES COMMISSION

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

May 1, 2013

Joan Moss

REDACTED

Warning Letter Re: FPPC No. 13/201; Joan Moss for District V Supervisor 2012; and Joan Moss

Dear Ms. Moss:

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 your self-reported communication that alleged a potential violation of the Act. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you accepted a number of cash contributions under \$100, and then made a campaign expenditure with those funds instead of first depositing those funds into your campaign bank account.

You contacted the FPPC because you felt you violated the Act when you terminated your committee and deposited the remaining campaign funds into your personal bank account. In a telephone conversation, you indicated that you loaned your committee approximately \$200. When you terminated your committee, you had approximately \$160 remaining. Under the Act, repaying campaign loans is a permissible use of campaign funds. It was during that conversation, you indicated that you made a cash expenditure of over \$100.

Section 84300 prohibits cash expenditures of \$100 or more. Furthermore, Section 85201 requires all contributions to be deposited into and all expenditures be made from a campaign bank account.

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 did not first deposit the contributions into your campaign bank account, and instead used those contributions to make a cash expenditure over the \$100 threshold. However, because you self-reported the violation, you have terminated your committee, and you do not have an enforcement history, we are closing this matter with a warning letter.

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.

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. Additionally, you can 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,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr