



FAIR POLITICAL PRACTICES COMMISSION

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

August 6, 2013

Ms. Amber Maltbie
Nossaman LLP
o/b/o Evan Low

REDACTED

RE: Warning Letter
FPPC No. 12/587, Evan Low

Dear Ms. Maltbie:

The Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”) found in Government Code Section 81000, and following. As you are aware, the Commission received a complaint alleging that Evan Low improperly used personal funds for the payment of campaign expenditures and travel expenses during his reelection campaign to Campbell City Council in 2010. The Commission has decided to close this case with this warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that your client paid for campaign expenditures totaling \$5,772.40, using personal funds without first depositing them into the campaign bank account.

Section 85201, subdivision (c) states that “[a]ll contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate’s controlled committee shall be deposited in the account.” Section 85201, subdivision (d) states that “[a]ny personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.” Section 85201, subdivision (e) requires that “[a]ll campaign expenditures shall be made from the account.”

We also examined reimbursements for travel expenses. Section 89513(a)(1) prohibits the use of campaign funds for reimbursement for travel expenses. *except* when these expenditures are directly related to a political, legislative, or governmental purpose. Those expenses would include ordinary and necessary traveling expenses while away from home in the pursuit of a political, legislative, or governmental purpose. As the reimbursements were made for travel which was directly related to a political, legislative, or governmental purpose, these travel related payments did not violate the Act.

Although the reimbursements to Mr. Low for campaign expenditures not made from the campaign bank account violated the Act, we determined that further enforcement action for the late filing of this report was not warranted since the expenditures for these purchases were reported and there was little public harm.

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 your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If your client wishes to avail himself of these proceedings by requesting that his 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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED _____

Zachary W. Norton
Commission Counsel
Enforcement Division