



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

August 21, 2013

Mr. Scott Pham
Pham for Supervisor 2013

REDACTED

Warning Letter Re: FPPC No. 13/766; Pham for Supervisor 2013; Scott Pham; Respondent(s)

Dear Mr. Pham:

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 both a sworn complaint and a non-filer referral from the Santa Clara County Registrar of Voters that alleged you failed to file campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee failed to serve a Form 470 Supplement on your opponents, the Secretary of State and the county registrar within 48 hours of raising or spending \$1,000 or more. Additionally, you failed to file your semi-annual campaign statement by the July 31, 2013 deadline.

The Act requires that when a candidate files a Form 470 Short Form as a pre-election campaign statement and then subsequently raises or spends \$1,000 or more prior to the election, the candidate must serve his opponents, the Secretary of State and the filing officer with a Form 470 Supplement within 48 hours. (§ 84206; Regulation 18406.) Additionally, the Act requires candidates and committees to file a semi-annual campaign statement by July 31, 2013 for the period ending June 30, 2013. (§ 84200.)

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 serve upon all parties the Form 470 Supplement once you raised or spent \$1,000 or more. Additionally, you violated the Act by failing to timely file your committee's semi-annual campaign statement by the July 31, 2013 deadline. However, since you filed that statement immediately when contacted by the Enforcement Division, and the amount raised and spent amounted to only \$40 over the requisite threshold requiring additional filings, we are closing our file on this matter.

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.

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

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Santa Clara County Registrar-Recorder
Ms. Patricia Martinez-Roach