



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

September 1, 2015

Manh Nguyen  
Manh Nguyen for San Jose City Council D4 2015



### **Warning Letter Re: FPPC No. 15/522; Manh Nguyen and Manh Nguyen for San Jose City Council D4 2015**

Dear Mr. Nguyen:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to a complaint alleging that you failed to file the requisite 24 hour reports disclosing numerous late in-kind contributions that your committee received from your company.

The Enforcement Division has completed its investigation of the facts in this case and determined that you violated the Act. Specifically, the Enforcement Division has found that you and your committee failed to file numerous 24 hour reports by the reporting deadline.

The Act requires the recipient of a late in-kind contribution to file a report disclosing the late contributions with their filing officer within 48 hours of receipt.<sup>2</sup> Your failure to file these reports by the deadline places in you in violation of the Act. However, the Enforcement Division is not imposing a monetary penalty for these violations in response to the sufficient penalty imposed by the San Jose Ethics Commission for violating Title 12 of the San Jose Municipal Code, which contains similar reporting requirements to those at issue in the complaint.

This letter serves as a written warning of your violation. 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.

---

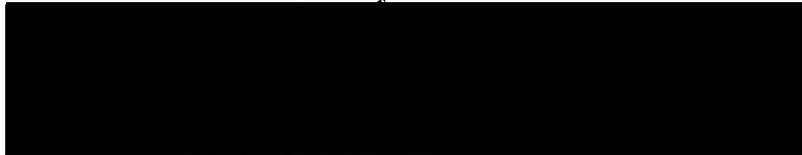
<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the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

<sup>2</sup> Gov. Code § 84203.3; §§ 82036 and 84203.

A warning letter is an Enforcement Division 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 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 Enforcement Division 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 Commission'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,



Michael W. Hamilton  
Commission Counsel  
Enforcement Division

cc: Tom Cochran