



## FAIR POLITICAL PRACTICES COMMISSION

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

Phone (916) 322-5660 • Fax (916) 322-0886

September 17, 2012

- ✓ Deepka Lalwani, Candidate  
Lalwani for Central Committee 2012

**REDACTED**

Lalwani for Central Committee 2012

**REDACTED**

**Warning Letter Re: FPPC Case No. 12/606, Deepka Lalwani and Lalwani for Central Committee 2012**

Dear Ms. Lalwani:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to your communication to us informing us that you failed to form a committee at the appropriate time.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that in your race for a seat on the Santa Clara Democratic Central Committee for the 2012 election, you sent out a flier to Democrats in Milpitas and paid for it from your personal funds. The expense exceeded \$1000.

The Act requires that at a certain monetary threshold of received contributions candidates become committees and file regular campaign statements. Specifically the Act requires that if a candidate receives \$1,000 or more in contributions, including the candidate's personal funds, the

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<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.

candidate will be required to open a campaign bank account into which the candidate must place personal funds prior to expending them. (GC §§ 82013(a) and 85201.) The candidate must also file a Form 410, Statement of Organization, within 10 days of receiving or expending t\$1,000 or more and the funds must be reported on the Form 460, the campaign disclosure report.. (GC §§ 84101 and 84211.)

Your actions violated the Act because you failed to first place the funds you contributed to your election in a dedicated bank account prior to expending them and also failed to file a Form 410 within 10 days of becoming a committee by virtue of those funds. However, because you have no prior violations of the Act and because you filed the Form 410 upon realizing it was required and reported the violation to the FPPC's Enforcement Division, we are closing your case with this warning letter. 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.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.) 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 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Please feel free to contact Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

**REDACTED** 

 Gary S. Wmuk  
Chief, Enforcement Division

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