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

October 9, 2014

James Fang
Calvin Y. Louie, Treasurer
Fang for BART Board
[redacted]

RE: Warning Letter Re: FPPC Case No. 14/1114; In the Matter of James Fang, Fang For BART Board, and Calvin Y. Louie, Treasurer

Dear Mr. Fang and Mr. Louie:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act") [1], found in Government Code section 81000, et seq. This letter is in response to a complaint previously forwarded to you. The FPPC has completed its investigation of the facts in this matter. Specifically, the FPPC found that you violated the Act's campaign disclosure provisions with regard to not timely filing certain required campaign statements in your candidacy for re-election to the Bay Area Rapid Transit (BART) Board of Directors.

The Act provides that a candidate must file a statement acknowledging his or her candidacy for a specific future office before the candidate may fundraise for election, or re-election, to that office. Specifically, Section 85200 requires that a Statement of Intention (Form 501) must be filed by a candidate "prior to the solicitation or receipt of any contribution or loan." Your actions violated the Act because you failed to file the Form 501 prior to sending out a fundraising announcement soliciting contributions for your re-election to the BART Board of Directors at an event to be held on February 26, 2014; instead, you filed the Form 501 on August 12, 2014. You further violated the Act in using the committee formed for your original election to the BART Board of Directors without "redesignating" or amending the Statement of Organization, Form 410, to reflect that the committee will now exist for your candidacy in the upcoming election. (Regulation 18521(b)(1-5).) However, because you have no prior violations and because you filed the Form 501, the subject of the complaint, prior to the date the complaint was filed with our office, 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. Although the

FPPC is not seeking a penalty in the current matter, you are responsible for any late filing fees assessed. (Section 91013.)

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.

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

Sincerely,

[redacted]

Gary S. Winuk
Chief, Enforcement Division

GSW:AK:ak

cc: Alyse Opatowski