FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
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November 13, 2013

Mr. Dan White
Dan White for Simi School Board 2012

REDACTED

Ms. Jana Szymanski
Dan White for Simi School Board 2012

REDACTED

Warning Letter Re: FPPC No. 13/944; Dan White for Simi School Board 2012; Dan White and Jana Szymanski, Respondent(s)

Dear Mr. White and Ms. Szymanski:

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 a sworn complaint that alleged you failed to report a contribution on your campaign disclosure statement filed in connection with your November 6, 2012 election bid for Simi Valley School Board 2012.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report a $2,500 contribution received by you on October 11, 2012 from the California Teachers Association/Association for Better Citizenship.

The Act provides that candidates and committees must report specific information on campaign disclosure statements. Specifically the Act requires that, for contributions of $100 or more, the committee must report the full name of the contributor, the contributor's street address, occupation, the name of his or her employer, or if self-employed, the name of the business, the date and amount of each contribution and the cumulative amount of contributions. (Section 84211(f).)

[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.

A contribution is deemed "received" on the date the candidate or committee, or agent of the candidate or committee, obtains possession or control of the check. All contributions received shall be reported and disclosed by the candidate or committee, no later than the closing date of the next campaign statement that the committee is required to file. (Regulation 18421.1.)

Under the Act, a contribution is not deemed accepted, nor is it reportable, if it is not cashed, negotiated, or deposited and is returned to the contributor before the closing date of the campaign statement on which the contributions would otherwise be reported. (Section 84211(q).)

You received a contribution from the California Teachers Association/Association for Better Citizenship on October 11, 2012. However, from the evidence obtained from the contributor, you did not negotiate this contribution or deposit this contribution into your committee bank account. On April 12, 2013, the contributor voided the check.

Your actions violated the Act because you failed to return the contribution prior to the end of the closing date of your campaign statement that you filed for the period October 1 through October 20, 2012 in violation of Section 84211(q). However, since you did not negotiate the check or placed it into the committee's account, 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.

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Gary S. Winuk
Chief, Enforcement Division

GSW/jt
cc: Ms. Diane Collins