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

June 28, 2010

Howard Wang
Wang For City Council Campaign 2010
REDACTED

RE: Advisory Letter, FPPC No. 10/0124; Howard Wang and Wang for City Council Campaign Committee 2010 (FPPC ID # 1319639)

Dear Mr. Wang:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")[1] As you may be aware, the Commission was investigating whether you or your campaign, Wang for City Council Campaign Committee 2010, were in violation of the campaign disclosure obligations of the Act. **After investigation, we have decided to close this case without initiating an enforcement action.**

Our investigation did not find that Citizens for Communities Preservation, Inc. ("CCP"), a non-profit organization, was being used by you to promote your Walnut City Council candidacy or that you failed to report contributions made by CCP to your campaign. Our investigation also revealed that, at times, you appear to be in a position of authority with CCP However, our office found insufficient evidence to conclude that there was any payment or expenditure made by CCP in support of your campaign, or that CCP was acting as a secondary campaign by expending significant time or resources promoting your candidacy. Our investigation found that an email was sent out by CCP to subscribers, primarily for CCP purposes, which did advocate for your candidacy, however it does not appear that significant resources were expended for this communication.

As you are aware, Section 85201 requires that a candidate must establish one campaign contribution account where all campaign contributions, loans, or personal funds

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[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 18109 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.

must be deposited prior to expenditure. Depositing contributions intended for your campaign into a separate account, or making expenditures from another account for the benefit of your campaign, is a violation of the Act.

Additionally, the Act requires a candidate or committee to disclose in each of its campaign statements the total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received. (Section 84211, subdivision (a).) A contribution can be monetary or nonmonetary.

Please be aware that Section 82015, subdivision (b), states that a payment made at the behest of a recipient committee or candidate is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment or it is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. However, a payment is not for purposes unrelated to his or her candidacy for elective office if it is for a communication that contains express advocacy of the nomination or election of the candidate. An expenditure is presumed to be made at the behest of a committee where it is made by or through any agent of the candidate or committee in the course of the agent's involvement in the current campaign or where the expenditure is made based on the committee's campaign needs or plans provided to the expending person by the candidate or committee. (Regulation 18552.7, subdivision (c).)

Although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained and may be used against you should an enforcement action become necessary based on future conduct and/or newly discovered information.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding filing obligations over the telephone and through written advice. Please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have questions regarding this matter, please feel free to contact me at 916-327-2019.

Sincerely,

REDACTED

Ty Moore
Counsel, Enforcement Division

Cc: Mr. Phillip Bennett