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

August 17, 2011

Mr. Long Pham
Long Pham for Assembly 2010

REDACTED

Warning Letter Re: FPPC No. 11/715; Long Pham for Assembly 2010; Long Pham, Respondent(s)

Dear Mr. Pham:

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 referral from the Office of the Secretary of State that alleged you have failed to file campaign statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that your committee has failed to file a semi-annual campaign statement for the period July 1, 2010 through December 31, 2010 and a semi-annual campaign statement for the period January 1, 2011 through June 30, 2011.

The Act requires that candidates and committees file campaign statements at periodic intervals. Specifically, the Act provides that with regard to semi-annual statements, committees shall file on July 31 and January 31 of each year reporting activity for the prior six-month period. (Gov. Code § 84200.) Additionally, under the Act, you retain a filing obligation until such time as you terminate your committee.[2]

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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.

[2] A candidate for state office, defeated in an election with debt remaining in the committee, must terminate the committee within 24 months of the election. (Gov. Code 84214, Regulation 18404.1(b)(2).) Your committee must be terminated no later than June 8, 2012.

Your actions violated the Act because you failed to file semiannual campaign statements for the period July 1, 2010 through December 31, 2010 by the January 31, 2011 deadline and January 1, 2011 through June 30, 2011 by the January 31, 2011 deadline. Since you were defeated at the election and because the majority of your funding came from your own loan to your committee, we are closing our file on this matter.

However, you must immediately file your delinquent campaign statements with the Office of the Secretary of State and with your local filing officer. Remember that you must, no later than June 8, 2012, terminate your committee.

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.

While the FPPC is not imposing monetary penalties at this time, you are still responsible for any late filing fees assessed by the Office of the Secretary of State. (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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt
cc: Mr. Chris Reynolds, Chief
Political Reform Division
Office of the Secretary of State