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

November 23, 2009

Norman Pearson

REDACTED

Warning Letter Re. FPPC No. 09/629; Norman Pearson

Dear Mr. Pearson:

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 complaint filed against you that alleged that you violated two provisions of the Act, including the following:

> The complaint alleged that you failed to properly file your Statement of Intention ("SOI") during the November 4, 2008, Galt High School Board election. Specifically, the complaint alleges that you failed to file a SOI in Sacramento County in violation of § 85200.
>
> The complaint additionally alleges that you failed to disclose on your campaign statement contributions and/or expenditures totaling $1,000 in violation of the Act § 84200.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you spent money on your campaign and failed to file a SOI in Sacramento County and San Joaquin County. However, the FPPC found that you did not raise or spend over $1,000.

The Act provides that failure to file your SOI when filing is required is prohibited. Specifically the Act provides that prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for state or local elective office must file a SOI. (§ 85200) Under the Act, "contribution" and "loan" do not include any payments from the candidate's personal funds for a candidate filing fee or a candidate statement of qualifications fee, but do include "the candidate's own money or property used on behalf of his or her candidacy." (§ 82015(c).)

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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 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.

Candidates who do not have a committee, and who do not anticipate raising or spending $1,000 or more during the entire calendar year, may file one short form campaign statement (Form 470) in connection with an election and incur no additional filing requirements as long as receipts and expenditures remain under $1,000. (Section 84206.)

Your actions violated the Act because you spent approximately $600 of your own money on your campaign. Under section 85200 this is a contribution which requires filing of the SOI in all counties required under the Act. This election concerned both Sacramento and San Joaquin Counties. The facts indicate that you did not file a SOI in San Joaquin County which is the county where you are domiciled, nor did you file in Sacramento County which has the largest number of registered voters. Because you failed to properly file your SOI counties where you were required to file, you violated section 84215 of the Act.

Our investigation did not find that you had receipts or expenditures over $1,000. You did file an Officeholder and Candidate Campaign Statement – Short Form as required under section 84206, therefore it appears you did not violate this section the Act.

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 can result in monetary penalties of up to $5,000 for each violation.

Please also file the required Statement of Intention in Sacramento and San Joaquin Counties.

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

Ty D. Moore
Commission Counsel
Enforcement Division