



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

July 12, 2024

Nancy Newkirk, Board Member
Sunnyvale School District Board of Education
Sent via email: nancy.newkirk@sesd.org

Warning Letter: FPPC No. 2024-00535; Nancy Newkirk

Dear Nancy Newkirk:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a referral from the County of Santa Clara Registrar of Voters regarding your failure to timely file Form 470 (Officeholder Campaign Statement Short Form) in connection with your position as a Board Member for the Sunnyvale School District Board of Education.

The Act requires elected officers who do not have an open committee and do not plan to raise or spend \$2,000 or more in a non-election calendar year to file Form 470 covering the entire calendar year by July 31.²

You violated the Act because you are currently an officeholder subject to the provisions of the Act, and you failed to file your Form 470 for the calendar years of 2022 and 2023 by the August 1, 2022 and July 31, 2023 deadlines. But since you filed your Form 470s after being contacted by the Enforcement Division, and you have no history of violating this section of the Act, the Enforcement Division has decided to close your case with this warning letter rather than a fine. Please note that while the Enforcement Division is closing this matter without a fine, your filing officer may assess late filing penalties.

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 Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning,

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014 and all statutory references are to this code.

² Sections 84200 and 84206.

please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division 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 Commission's website ten (10) days from the date of this letter. If you have any questions, please feel free to contact Vanessa Greer at vgreer@fppc.ca.gov or 279-237-5965.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Assistant Chief
Enforcement Division

CBB: vg

cc: County of Santa Clara Registrar of Voters