



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 7, 2022

Derek Carson II

Derek Carson for Contra Costa County Board of Education, Area 5, 2022

[REDACTED]

Warning Letter re: FPPC Case No. 22/758; Derek Carson II; and Derek Carson for Contra Costa County Board of Education, Area 5, 2022

Dear Mr. Carson:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ In response to the Enforcement Division's pre-election outreach program, the Clerk-Recorder-Elections Department of Contra Costa County made us aware that you failed to timely file your first pre-election campaign statement in connection with the election of November 8, 2022.

At the core of the Act's campaign reporting system is the requirement that candidates and their controlled committees must file campaign statements and reports for certain reporting periods and by certain deadlines.² For example, a candidate and his controlled committee must file two pre-election campaign statements before any election in which the candidate is listed on the ballot.³

In this regard, for the General Election of November 8, 2022, candidates for Contra Costa County Board of Education, Area/District 5, must file a first pre-election campaign statement for the reporting period ending September 24, 2022, by the deadline of September 29, 2022—as well as a second pre-election campaign statement for the reporting period ending October 22, 2022, by the deadline of October 27, 2022. The period covered by a campaign statement begins the day after the closing date of the last campaign statement that was required to be filed, but if a person has not previously filed a campaign statement, then the period covered begins on January 1. The statements must be filed with the Clerk-Recorder-Elections Department of Contra Costa County.⁴ (Also, please note that each candidate-controlled committee must continue to file semi-annual campaign statements until the committee is terminated. Generally, for the period ending December 31, the semi-annual campaign statement must be filed by January 31 of the following year—and for the period ending June 30, the statement must be filed by July 31.⁵)

In this case, you failed to timely file both pre-election campaign statements by the required deadlines—in violation of Sections 84200.5 and 84200.8.

However, as noted above, your case was part of Enforcement's proactive pre-election program. You filed your pre-election campaign statements before the election—and shortly after

¹ Sometimes simply referred to as the Act, the Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to this source.

² Sections 84200, et seq.

³ Section 84200.5.

⁴ See Sections 82046, subdivision (b); 84200.5; 84200.8; and 84215.

⁵ See Section 84200.

you were contacted by the Enforcement Division. Also, you have no history of prior, similar violations. For these reasons, we are closing this case with a warning letter, instead of a fine.

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, 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 need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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