



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

October 7, 2022

Wallace for South Tahoe Public Utility District Director 2022

Duane Wallace, Candidate

David Borges, Treasurer



Warning Letter Re: FPPC No. 2022-00610; Duane Wallace; David Borges; Wallace for South Tahoe Public Utility District Director 2022

Dear Mr. Wallace, Mr. Borges, & Committees,

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 El Dorado County Clerk that alleged you failed to file semi-annual campaign statements for the campaign committee: Wallace for South Tahoe Public Utility District Director 2022 (the “Committee”).

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you and the Committee failed to timely file the semi-annual campaign statements for the reporting periods of: October 18, 2020 through December 31, 2020 by the January 31, 2021 deadline; January 1, 2021 through June 30, 2021 by the July 31, 2021 deadline; July 1, 2021 through December 31, 2021 by the January 31, 2022 deadline, and January 1, 2022 through June 30, 2022, by the July 31, 2022 deadline.

The Act requires candidate-controlled committees to file two pre-election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84200

Your actions violated the Act because you failed to timely file the above-referenced semi-annual campaign statements by the appropriate due dates despite remaining an open committee. However, the Enforcement Division decided to close this case with this warning letter rather than issuing a fine because you and the Committee filed the missing statements immediately after being contacted by the Enforcement Division, there was no activity disclosed on the campaign statements, and neither you nor the Committee have a prior history of violating this section of the Act.

Please note that while the Enforcement Division is closing this matter without a fine, your filing officer, the El Dorado County Clerk, 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, 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 forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact Ginny Brown at gbrown@fppc.ca.gov or 916-322-8064 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela Brereton, Chief
Enforcement Division

AJB/gal

cc: Kim Smith