



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329

December 29, 2021

Bryan Do for ESUHSD 2020
Bryan Do, Candidate
Laura Phan, Treasurer
Via email only: [REDACTED]

Warning Letter re: FPPC No. 2020-951; Bryan Do for ESUHSD 2020, Bryan Do, and Laura Phan

Dear Bryan Do and Laura Phan:

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 filing officer referral against the Bryan Do for ESUHSD 2020 committee (the “Committee”), Bryan Do, and Laura Phan, alleging that the Committee failed to timely file a pre-election campaign statement due on October 22, 2020. The Enforcement Division found that you and the Committee failed to timely file two pre-election campaign statements and one 24-hour contribution report in connection with the November 3, 2020 General Election.

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the applicable election in which the candidate is listed on the ballot.² Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

Additionally, the Act requires candidate-controlled committees that make or receive a late contribution to file a report within 24 hours of making or receiving the contribution.⁴ A “late contribution” includes a contribution aggregating \$1,000 or more that is made to or received by a candidate, controlled committee, or primarily formed committee within 90 days before the date of the election at which the pertinent candidate or measure is to be voted on.⁵

You and the Committee violated the Act by failing to timely file two pre-election campaign statements by the September 24, 2020 and October 22, 2020 due dates and one 24-hour contribution report by the October 8, 2020 due date. However, the failure to timely file the campaign statements were of minimal public harm. First, you do not have any prior enforcement history or a history of untimely filing campaign statements. Second, the pre-election campaign

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 18109 through 18997 of Title 2 of the California Code of Regulations.

² Sections 84200.5 and 84206.

³ Sections 83116.5 and 91006.

⁴ Section 84203.

⁵ Section 82036.

statement was filed six days late and both campaign statements were filed seven days before the election. Finally, the remainder of your campaign statements were timely filed. Therefore, the Enforcement Division has decided to close this case with a warning letter.

The Enforcement Division also reviewed whether you violated the campaign bank account provisions of the Act. The Enforcement Division determined that, although you may have failed to process certain campaign activity through a designated campaign bank account, this was due to the fact that you were prevented from establishing a campaign bank account due to a delay in the assignment of your Committee Identification Number. Furthermore, you created and properly reported a campaign bank account as soon as you received your Committee Identification Number. Therefore, we are closing this matter, as to the campaign bank account violations, without further action.

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, 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 me at (916) 327-6358 or arose@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division