



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

July 11, 2022

Walter Kawamoto for Sacramento County School Board 2022

Walter Kawamoto

Cole Smith-Crowley

Via email: [REDACTED] smith-crowley@uchastings.edu

Warning Letter Re: FPPC Case No. 2022-00397 - Walter Kawamoto for Sacramento County School Board 2022; Walter Kawamoto; Cole Smith-Crowley

Dear Mr. Kawamoto, Mr. Smith-Crowley, and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, the Enforcement Division received a sworn complaint alleging your potential violations of the campaign finance disclosure provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file two 24-Hour Reports (Form 497) to report monetary contributions to the campaign of \$1,000 or more on April 4, 2022 and April 10, 2022; failed to file a Candidate Intention Statement (Form 501) prior to receiving a contribution of \$100 on March 16, 2022; and failed to include the candidate's signature on the first pre-election campaign statement (Form 460).

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the applicable election and semi-annual campaign statements until the committee is terminated.² Campaign statements filed by a candidate-controlled committee must be signed and verified by the candidate and the committee's treasurer.³ The Act also requires candidate-controlled committees to file 24-Hour Reports if the committee receives a contribution(s) totaling \$1,000 or more from a single source during the 90 days preceding the applicable election

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 Sections 84200.5 and 84200

³ Sections 81004(a) and 84213(a)

or on the date of the election.⁴ Additionally, the Act requires a candidate to file a Candidate Intention Statement prior to soliciting or receiving contributions.⁵

Your actions violated the Act because you failed to timely file two 24-Hour Reports (Form 497s). Additionally, you failed to file a Candidate Intention Statement prior to receiving contributions and the candidate failed to sign the first pre-election campaign statement (Form 460). However, mitigating evidence exists such that the Enforcement Division has decided to close this case with this warning letter rather than a fine: the first pre-election campaign statement was timely filed and disclosed the contributions at issue; the two required Form 497s and an amendment to the Form 460 were filed immediately after the committee was contacted by the Enforcement Division; the forms at issue were filed prior to the relevant election; the treasurer for the committee was a first-time campaign treasurer; there was a relatively low amount raised and spent in connection with the election; the candidate was unsuccessful in the relevant election; and you have no prior history of violating 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 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.

⁴ Section 82036 and 84203

⁵ Section 85200

If you need 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 Laura Mandler at lmandler@fppc.ca.gov or 916-322-7779 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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