



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

January 4, 2023

Committee To Elect In 2022 Renee M. Marcelle Tamalpais Union Highschool District Trustee
Renee Marcelle, Candidate
Bradley Cotton, Treasurer
[REDACTED]

Warning Letter Re: FPPC No. 2023-00001; Renee M. Marcelle Tamalpais Union Highschool District Trustee, Renee Marcelle, and Bradley Cotton

Dear Renee Marcelle, Bradley Cotton, 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, in response to the Enforcement Division's pre-election outreach program, we were made aware by Marin County that you failed to timely file the second pre-election campaign statement in connection with the November 8, 2022 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file both pre-election campaign statements and three 24-Hour Reports.

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 If a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for the statement or report shall be extended to the next regular business day.³ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

The Act also requires each candidate or committee that makes or receives a late contribution to report the contribution within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution means any of the following: a contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or

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 Section 81005

⁴ Sections 83116.5 and 91006.

oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.⁵

Your actions violated the Act because you failed to timely file the first and second pre-election campaign statements by the September 29, 2022 and October 27, 2022 deadlines. You also failed to timely file three 24-Hour Reports (Form 497's). However, the Enforcement Division has decided to close your case with this warning letter rather than a fine because you were referred as part of the proactive pre-election program, you filed the second pre-election campaign statement after you were contacted by the Enforcement Division, you filed both pre-election campaign statements and 24-Hour Reports prior to the election, you were an unsuccessful candidate, and you have no history of violating the Act. 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, 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.

Please feel free to contact Shaina Elkin at selkin@fppc.ca.gov or (916) 327-2020 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB: se

⁵ Sections 84203 and 82036