



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

March 3, 2023

Xavier Mountain
Mountain for SUSD Trustee 2022



Warning Letter Re: FPPC No. 2023-00150; Mountain for SUSD Trustee 2022; Xavier Mountain

Dear Mr. Mountain,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ In response to the Enforcement Division’s pre-election outreach program, we were made aware by the San Joaquin County Clerk that you failed to timely file a pre-election campaign statement in connection with the November 8, 2022 General Election.

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the election in which the candidate is listed on the ballot.² For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.³ The Act also requires a candidate who receives and spends less than \$2,000 to file a Form 470 (Short Form) campaign statement by the first pre-election campaign statement deadline.⁴

Your actions violated the Act because you failed to timely file a pre-election campaign statement by the September 29, 2022 deadline. However, the Enforcement Division has decided to close this case with this warning letter rather than a fine because it appears you were eligible to file a Form 470 regarding your candidacy for Board Member with the Stockton Unified School District. Lastly, you were unsuccessful in your election and you have no prior history of violating the Act.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division’s annual

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014 and all statutory references are to this code.

² Section 84200.5.

³ Section 84200.8, subd. (a).

⁴ Sections 84206 and 84200.8; Regulation 18406.

carryover caseload, the Enforcement Division is closing this case with this warning letter.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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 have any questions, please feel free to contact Ginny Brown at (916) 322-8064 or gbrown@fppc.ca.gov.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB:gb

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulation 18360.1.

⁷ See Regulation 18361.5, subdivision (e)(3).