



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

March 9, 2023

Newark Association of Miscellaneous Employee's – PAC
James Murray, Katie Dennis, Stacy Burton, and Angela Montez
37101 Newark Blvd.
Newark, CA 94560

Via email: james.murray@newark.org, katie.dennis@newark.org, stacy.burton@newark.org,
angela.montez@newark.org,

Warning Letter Re: FPPC No. 2022-00729, Newark Association of Miscellaneous Employee's – PAC, James Murray, Katie Dennis, Stacy Burton, and Angela Montez

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a referral submitted by the City of Newark alleging that the Newark Association of Miscellaneous Employee's – PAC ("Committee")² failed to timely file certain semi-annual campaign statements. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely disclose a late contribution in the amount of \$3,000 contribution on a 24-Hour Contribution Report (Form 497). Additionally, the Enforcement Division found that the Committee failed to timely file a pre-election campaign statement and four semi-annual campaign statements.

The Act requires local general purpose committees to file 24-Hour Contribution Reports (Form 497) if the committee makes a contribution(s) totaling \$1,000 or more to a primarily formed ballot measure committee during the 90 days preceding the applicable election or on the date of the election.³ The Act requires local general purpose committees to file two pre-election campaign statements at specified times prior to the election in which the committee makes contributions or independent expenditures totaling five hundred dollars (\$500) or more to a city general purpose committee formed within the same jurisdiction, or to support or oppose a

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 James Murray served as the Committee's treasurer from April 17, 2017 through August 5, 2019. Katie Dennis served as the Committee's treasurer from August 5, 2019 through February 8, 2021. Stacy Burton served as the Committee's treasurer from February 8, 2021 through January 11, 2023. Angela Montez served as the Committee's assistant treasurer from January 11, 2023 to the present day.

³ Sections 82036 and 84203.

candidate or measure appearing on the ballot at the next city election, 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 31.⁴ The obligation to file semi-annual campaign statements continues until the treasurer terminates the committee.⁵ Committee treasurers are jointly and severally liable along with the committee for violations by the committee.⁶

The Committee's actions violated the Act because it failed to timely disclose a \$3,000 contribution made by the Committee within the 90 days preceding the November 3, 2020 General Election on a 24-Hour Contribution Report. The committee's \$3,000 contribution was made to a committee formed to support a ballot measure that was appearing at the next election. The Committee also violated the Act because it failed to timely file the first pre-election campaign statement covering the period of July 1, 2020 through September 19, 2020 by the September 24, 2020 deadline. Lastly, the Committee violated the Act because it failed to file four semiannual campaign statements for the periods ending June 30, 2019, December 31, 2020, June 30, 2021, and June 30, 2022 by the applicable due date. For the following reasons, the Enforcement Division has decided to resolve this case with this warning letter: the Committee filed the pre-election campaign statement and 24-Hour Contribution Report before contact from the Enforcement Division and before the relevant election, small amount raised and spent by the Committee during the relevant periods (less than \$10,000), the Committee filed all but one of the semi-annual campaign statements before contact from the Enforcement Division, and the Committee has no prior 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

⁴ Sections 84200.5(a)(5) and 84200.

⁵ Section 84214; Regulation 18404, subd. (b)-(c).

⁶ Sections 83116.5 and 91006.

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 me at 916-738-6411 or jrivera@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division