



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

July 10, 2023

Committee for Dave Melchner for City Council – Foster City 2022

Dave Melchner

Walter Rick, Treasurer

Warning Letter re: FPPC No. 2023-00467; Committee for Dave Melchner for City Council – Foster City 2022, Melchner, Rick

Dear Committee, Dave Melchner, and Walter Rick,

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 an anonymous complaint alleging that you failed to timely file multiple 24-Hour Contribution Reports (Form 497) in connection with the November 8, 2022 General Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file 24-Hour Contribution Reports as a result of four contributions received of \$1,000 or more.

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 The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Additionally, the Act requires candidate-controlled committees that receive a contribution(s) totaling \$1,000 or more from a single source within 90 days before the election, or on the date of the election, to file Form 497 within 24 hours of receiving the contribution.³ For non-monetary contributions, Form 497 is deemed timely filed if it is filed within 48 hours of receiving the contribution.⁴ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁵

Your actions violated the Act because you failed to timely file 24-Hour Contribution Reports for monetary contributions received of \$1,000 or more on September 28, 2022 and September 29, 2022. Additionally, you failed to timely file 24-Hour Contribution Reports for two non-monetary contributions

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 82036 and 84203.

⁴ Section 84203.3.

⁵ Sections 83116.5 and 91006.

received of \$1,000 or more on September 28, 2022. But, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: you filed the 24-Hour Contribution Reports well before the applicable election; both pre-election campaign statements were timely filed; 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, the City of Foster City, 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 Tara Stock at tstock@fppc.ca.gov or (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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