



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

December 16, 2022

Fong for Danville Council 2020
Dave Fong
Louise Fong, Treasurer
Via email: dfong@danville.ca.gov

Warning Letter Re: FPPC No. 2020-01146; Fong for Danville Council 2020, Fong, Fong

Dear Mr. Fong, Ms. Fong, 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 an anonymous complaint alleging that you violated the campaign disclosure provisions of the Act in connection with the November 3, 2020 General Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file six 24-Hour Contribution Reports (Form 497) and failed to timely disclose several loans from the candidate’s personal funds on the first and second pre-election campaign statements.

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. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³ Campaign statements are required to include the committee’s activity during a specified period, including the contributions received (including loans) during the reporting period.⁴

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 83116.5 and 91006.

⁴ Section 84211.

The Act also requires candidate-controlled committees that receive a contribution(s), including a loan, totaling \$1,000 or more from a single source within 90 days before the election, or on the date of the election, to file a Form 497 within 24 hours of receiving the contribution.⁵

You violated the Act by failing to timely file six Form 497s within 24 hours of receiving contributions totaling \$1,000 or more from August 2020 through October 2020. You also violated the Act by failing to timely disclose loans to the committee from the candidate's personal funds on the first and second pre-election campaign statements. However, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: you timely filed the first and second pre-election campaign statements; you filed the Form 497s and amendments to the first and second pre-election campaign statements to disclose the loans from the candidate's personal funds before the complaint was filed, before you were contacted by the Enforcement Division, and before the election; 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 Danville, 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.

⁵ Sections 82036 and 84203.

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,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:ts