



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

December 20, 2022

Community for Pham for School Board Trustee Area 6, 2022

Eilene Pham, Candidate

Shelly Wagner, Treasurer



Warning Letter Re: FPPC No. 2022-01053; Community for Pham for School Board Trustee Area 6, 2022, Eilene Pham, and Shelly Wagner

Dear Eilene Pham, Shelly Wagner, and Committee:

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 County of San Luis Obispo that you failed to timely file the second pre-election campaign statement 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 both pre-election campaign statements.

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 requires a candidate who receives or 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 pre-election campaign statements by the September 29, 2022 and October 27, 2022 deadlines. 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 pre-election outreach program, you filed the required campaign statements after you were contacted by the Enforcement Division, you reported a low amount of activity that did not reach the \$2,000 committee qualification threshold and you have no history of violating the Act. Therefore, you were eligible to file a Form 470 regarding your candidacy for Lucia Mar Unified School District Governing Board Member. 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

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.

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 Shaina Elkin at selkin@fppc.ca.gov or (916) 327-2020.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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