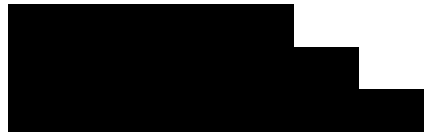




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 19, 2022

Jon Primuth for South Pasadena City Council
Jon Primuth



Warning Letter Re: FPPC No. 2021-00922, Jon Primuth and Jon Primuth for South Pasadena City Council

Dear Jon Primuth:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a referral submitted by Los Angeles County that alleged that you and the committee Jon Primuth for South Pasadena City Council (the “Committee”) violated the Act’s campaign disclosure provisions. The Enforcement Division has completed its review of the matter and found that you and the Committee failed to timely disclose a \$1,000 contribution, a \$2,000 contribution, and a \$1,200 contribution on a 24-Hour Contribution Report (Form 497). Additionally, the Enforcement Division found that you and the Committee failed to timely file a pre-election campaign statement, two semi-annual campaign statements, and a Form 470 (Campaign Short Form).

The Act requires candidate-controlled committees to file 24-Hour Contribution Reports (Form 497) if the committee receives a contribution(s) totaling \$1,000 or more from a single source during the 90 days preceding the applicable election or on the date of the election.² A loan is considered a “contribution” under the Act.³ 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 31.⁴ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers

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 82036 and 84203.

³ Section 82015.

⁴ Sections 84200.5 and 84200.

are jointly and severally liable for violations by the committee.⁵ If an officeholder does not have an open committee and does not plan to raise or spend \$2,000 or more in a non-election calendar year, they may file Form 470 covering the entire calendar year by July 31.⁶

Your actions violated the Act because you failed to timely disclose a \$1,000 contribution, a \$2,000 contribution, and a \$1,200 contribution received by the Committee on a 24-Hour Contribution Report within the 90 days preceding the November 3, 2020 General Election. You and the Committee also violated the Act because you failed to timely file the second pre-election campaign statement covering the period of September 20, 2020 through October 17, 2020, by the October 22, 2020 deadline, and you failed to file a Form 470 by July 31, 2022. Lastly, you failed to file the semiannual campaign statement covering the period of October 18, 2020 through December 31, 2020 by the February 1, 2021 deadline and the semiannual campaign statement covering the period July 1, 2021 through December 31, 2021 by the January 31, 2022 deadline. For the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: You filed the pre-election campaign statement before contact from the Enforcement Division, you filed the pre-election campaign statement before the election, the small amount raised and spent by your committee (less than \$10,000), the late contributions were by the candidate, the committee is terminated, and you have 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 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 83116.5 and 91006.

⁶ Section 84200 and 84206

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