



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

December 19, 2022

Kyle Hermann
Candidate, La Mesa Spring Valley School District Board Member
[REDACTED]

Warning Letter Re: FPPC No. 2022-00910, Hermann

Dear Kyle Hermann:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, in response to the Enforcement Division's pre-election outreach program, we were made aware by the San Diego County's Registrar of Voters office that you failed to timely file a pre-election campaign statement in connection with the November 8, 2022 election.

The Act requires candidates who do not have an open committee and do not plan to raise or spend \$2,000 or more in connection with the applicable election to file Form 470 (Campaign Statement – Short Form) covering the entire calendar year by the deadline for the first pre-election campaign statement.²

You violated the Act because you failed to file your Form 470 by the September 29, 2022 deadline. But since you were referred as part of the proactive pre-election outreach program, you filed your Form 470 immediately after you were contacted by the Enforcement Division, you filed it before the election, you were an unsuccessful candidate and you have not had a prior violation of this section, the Enforcement Division has decided to close your case with this warning letter rather than a fine. 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,

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014 and all statutory references are to this code.

² Sections 84200.5 and 84206.

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 questions, please contact Taylor Culberson at tculberson@fppc.ca.gov or 916-327-6359.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:tc