



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

December 9, 2022

Mark Buchman
Buchman for School Board 2022
Candidate, San Luis Coastal USD TA 4 School Board Member
[REDACTED]

Warning Letter Re: FPPC No. 2022-00786, Mark Buchman and Buchman for School Board 2022

Dear Mark Buchman:

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 proactive pre-election outreach program, we were made aware by San Luis Obispo County that you and the committee Buchman for School Board 2022 (the “Committee”) failed to timely file a pre-election campaign statement for the office you were seeking 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 and the Committee failed to timely file a pre-election campaign statement and that you and the Committee failed to timely disclose a \$1,000 contribution, a \$1,032 contribution (personal loan), and a \$3,208 contribution (personal loan) on a 24-Hour Contribution Report (Form 497).

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 are jointly and severally liable for violations by the committee.⁵

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

² Sections 82036 and 84203.

³ Section 82015.

⁴ Sections 84200.5 and 84200.

⁵ Sections 83116.5 and 91006.

You and the Committee violated the Act because you failed to file the second pre-election campaign statement by the October 27, 2022 deadline. Additionally, you and the Committee failed to timely disclose a \$1,000 contribution, a \$1,032 contribution, and a \$3,028 contribution received by the Committee on a 24-Hour Contribution Report. But, for the following reasons, the Enforcement Division has decided to close your case with a warning letter rather than a fine: You were referred as part of the proactive pre-election outreach program; you filed the pre-election campaign statement immediately after you were contacted by the Enforcement Division; you filed the pre-election campaign statement before the election; you filed the 24-Hour Contribution Reports before the election; you are a small committee, and you have not had a prior violation of this section of 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.

Please feel free to contact me at jrivera@fppc.ca.gov or 916-738-6411 with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division