



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

December 19, 2022

Byrne for School Board 2022
Peter Byrne
[REDACTED]

Warning Letter Re: FPPC No. 2022-01050; Byrne for School Board 2022 and Peter Byrne

Dear Peter Byrne 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, 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 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the second pre-election campaign statement and a 24-Hour Report.

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 If a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for the statement or report shall be extended to the next regular business day.³ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

The Act also requires each candidate or committee that makes or receives a late contribution to report the contribution within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution means any of the following: a contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.⁵

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 Section 81005

⁴ Sections 83116.5 and 91006.

⁵ Sections 84203 and 82036

Your actions violated the Act because you failed to timely file the second pre-election campaign statement for the reporting period of September 25, 2022 through October 22, 2022 by the October 27, 2022 deadline. You also failed to timely file a 24-Hour Report (Form 497) for a contribution received on October 1, 2022 in the amount of \$1,000 by the October 3, 2022 deadline. 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 proactive pre-election program, you filed the statement immediately after you were contacted by the Enforcement Division, you were an unsuccessful candidate, the Committee has since terminated, 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 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 Shaina Elkin at selkin@fppc.ca.gov or (916) 327-2020 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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