



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

December 1, 2022

Elect Suraj Viswanathan for City Council 2020
Suraj Viswanathan
1461 N Milpitas
Milpitas, CA 95035



Warning Letter Re: FPPC No. 20/829, Suraj Viswanathan and Elect Suraj Viswanathan for City Council 2020

Dear Suraj Viswanathan:

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 an anonymous complaint filed against you that alleged that you and the committee Elect Suraj Viswanathan for City Council 2020 (the “Committee”) violated the Act’s campaign disclosure provisions. The Enforcement Division has completed its review of the matter and, while some of the allegations have been disproven, the Enforcement Division found that you and the Committee failed to timely disclose a \$9,000 contribution (personal loan) 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.

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

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.

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

Your actions violated the Act because you failed to timely disclose a \$9,000 contribution received by the Committee on a 24-Hour Contribution Report within the 90 days preceding the November 3, 2020 General Election and you and the Committee failed to timely file the first pre-election campaign statement covering the period of July 1, 2020 through September 20, 2020, by the September 24, 2020 deadline. For the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: You attempted to file the pre-election campaign statement but were delayed because the office was only open one day a week due to the COVID-19 pandemic, you could not file online as there was a delay in receiving a committee ID due to the COVID-19 pandemic, you filed the pre-election campaign statement before contact from the Enforcement Division, you filed both pre-election campaign statements before the election, you filed the 24-Hour Report prior to the relevant election and before contact from the Enforcement Division, you were an unsuccessful candidate, 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.

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⁴ Sections 84200.5 and 84200.

⁵ Sections 83116.5 and 91006.

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