



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 21, 2023

Michael Dutton

Ned

o/b/o Committee to Elect Robert Michael Dutton to the AVUHSD Board Trustee Area 5 2018

Warning Letter Re: FPPC No. 2021-00219; Committee to Elect Robert Michael Dutton to the AVUHSD Board Trustee Area 5 2018, Dutton for A V College Board Campaign Committee 2020, Michael Dutton, Kenneth Scott, Ned McNabb

Dear All:

After an investigation, the Enforcement Division is closing its file in this matter with a streamline penalty to the Dutton for A V College Board Campaign Committee 2020 (the “2020 Committee”) for failure to timely disclose the \$843.61 contribution from the Committee to Elect Robert Michael Dutton to the AVUHSD Board Trustee Area 5 2018 (the “2018 Committee”) on your pre-election campaign statement for the reporting period of September 20, 2020 to October, 17, 2020, as publicly noticed at the June 2023 Commission meeting and the warning letter as discussed below.

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 from Los Angeles County against you and your committee, alleging that you failed to timely file the first pre-election campaign statement for the November 3, 2020 General Election. The Enforcement Division found that you failed to timely file pre-election campaign statement for the reporting period ending on September 19, 2020. Furthermore, you improperly used surplus funds by making a \$1,000 contribution to Committee for Yes on Measure SF and a \$843 contribution to the 2020 Committee.

The Act requires candidate-controlled committees to file pre-election campaign statements for the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election and for the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election.² Furthermore, upon the 90th day after leaving an

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Sections 84200.5 and 84200.8.

elective office, or the 90th day following the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed.³ Candidates with multiple controlled committees a candidate or elected officer controls more than one committee for the purpose of election to office, including committees established for different terms of the same elective office or for a different elective office, the candidate or elected officer shall, in addition to any other requirements related to the filing of campaign statements, file campaign statements for each of these committees on the dates the candidate or elected officer is required to file preelection statements in connection with election to office.⁴ Surplus funds can only be used for the payment of outstanding campaign debts or elected officer's expenses, the repayment of contributions, donations, contributions to political party committees or federal committees, or payment of professional services.⁵

But, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: the Committee had minimal activity; you were unsuccessful; 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.

³ Section 89519.

⁴ Regulation 18405.

⁵ Id.

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,

Alex J Rose

Alex J. Rose, Commission Counsel
Enforcement Division