



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

September 14, 2023

Richard P. Giffin, individually and on behalf of Rick Giffin for Salinas City Elementary School District Trustee Area 3 2018
[REDACTED]

Patricia Worth, individually and on behalf of Rick Giffin for Salinas City Elementary School District Trustee Area 3 2018
[REDACTED]

Warning Letter Re: FPPC No. 2018-00829; Richard P. Giffin, Rick Giffin for Salinas City Elementary School District Trustee Area 3 2018, and Patricia Worth

Dear Richard P. Giffin, Patricia Worth, and Committee:

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 complaints filed against you and Rick Giffin for Salinas City Elementary School District Trustee Area 3 2018 (the “Committee”) alleging you violated the Act’s campaign disclosure provisions.

The Enforcement Division has completed its investigation and review of the facts in this case. Specifically, we found that the Committee failed to timely file: the first pre-election campaign statement for the reporting period ending September 22, 2018, by the September 27, 2018 due date; and 24-hour contribution reports to disclose three late contributions received totaling \$9,500, by the specified due dates. Additionally, the Committee failed to timely disclose vendor information for which expenditures were made totaling \$4,974 on the campaign statements for the reporting periods ending October 20, 2018 and December 31, 2018, by the specified due dates; failed to make expenditures totaling approximately \$8,998 from the Committee’s campaign bank account; and failed to maintain campaign records for contributions received totaling at least \$9,599 and for expenditures made totaling at least \$9,599.

///

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 18104 through 18998 of Title 2 of the California Code of Regulations.

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.² Also, each candidate or committee that receives a late contribution³ shall report the late contribution within 24 hours of the time it is received.⁴

When a committee makes an expenditure totaling \$100 or more, the Act requires committees to report on the appropriate campaign statement the vendor's full name, street address, the amount of each expenditure, and a brief description of the consideration for which each expenditure was made.⁵ Additionally, the Act requires for all campaign expenditures to be made from the committee's designated campaign bank account.⁶ Further, the Act requires candidates and treasurers to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of the Act.⁷ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁸

The Committee violated the Act because you failed to timely file certain campaign statements and reports, failed to timely disclose certain vendor information, failed to make all expenditures from the Committee's campaign bank account, and failed to maintain campaign records, as discussed above. However, mitigating evidence exists here. The first pre-election campaign statement was referred to the Enforcement Division as part of our proactive pre-election outreach program, it was filed only seven days late, and it was filed prior to the election. The late contributions were disclosed on the timely filed second pre-election campaign statement and on 24-hour contribution reports late-filed prior to the election. Also, the expenditure amounts and descriptions were properly reported on campaign statements and only the vendor information was missing. Giffin was a first-time candidate with no prior campaign experience who was unsuccessful in the November 6, 2018 General Election. Furthermore, the violations at issue here caused minimal public harm, the campaign had a low amount of activity, the Committee has terminated, Giffin and the Committee do not have a prior enforcement history, and there was no evidence of an intent to conceal the violations. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is

² Sections 84200.5 and 84200.8.

³ "Late contribution" includes a contribution, or loan, that totals in the aggregate \$1,000 or more and is received by a candidate or controlled committee during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate is to be voted on. (Section 82036.)

⁴ Section 84203.

⁵ Section 84211, subd. (k).

⁶ Section 85201, subd. (e).

⁷ Section 84104.

⁸ Sections 83116.5 and 91006.

closing this case with this warning letter.⁹ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹⁰ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm, and the committee raised and spent less than \$10,000.¹¹ This resolution may not be used as a comparable case for other enforcement matters.¹²

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten 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 days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. Please feel free to contact me at JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Monterey County Elections elections@co.monterey.ca.us
Christian Schneider christian@pivotalcampaigntools.com

⁹ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹⁰ Regulations 18360.1 and 18360.3.

¹¹ Regulation 18360.2.

¹² See Regulation 18361.5, subd. (e)(3).