



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

October 4, 2023

Robert Collacott
o/b/o Robert Collacott for Villa Park City Council 2018



Warning Letter re: FPPC No. 18/1456; In the Matter of Robert Collacott and Robert Collacott for Villa Park City Council 2018

Dear Robert Collacott and Robert Collacott for Villa Park City Council 2018:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act¹ (the “Act”). We had received an anonymous complaint that you and the Robert Collacott for Villa Park City Council 2018 Committee (the “Committee”) may have violated various provisions of the Act relating to campaign reporting during your candidacy for the Villa Park City Council in the November 2018 election. Those allegations were investigated, and after careful consideration of various mitigating and aggravating factors, we have determined that it is appropriate to close the complaint for some allegations and issue a warning letter for a reporting violation outlined below.

With respect to the allegations in the complaint relating to an October 2018 campaign mailer disclaimer with an improper address, and an impermissible campaign loan received, there was no evidence of violations found. The post office box address used on the advertisement disclaimer was appropriate (since the Secretary of State had your campaign residential mailing address on file as well), and the campaign loan received (and partially paid back), was permitted, and properly disclosed on the appropriate Form 460 for the period covering 9/23/2018 through 10/20/2018. The payor of a loan to a campaign does not necessarily become the payor for purposes of a campaign advertisement disclosure. Therefore, these portions of the complaint are being closed without any further action based upon insufficient evidence of any violation.

Regarding the subject matter of the warning letter being issued herein, the Act requires a committee², and its principal officer(s)³ to follow regulations set forth in the Act. Specifically, if a contribution (loan, in this case) of \$1,000 or more is received within 90 days of the date of the election, or in this case between August 8 and November 6, 2018, then that contribution must be reported within 24-hours of it being received⁴. This provides immediate notice to the public of the contribution.

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, and all regulatory references are to this source.

² Section 82013, subdivision (a) and Section 82047.5, subdivision (d).

³ Section 82047.6

⁴ Sections 84203, subdivision (b), 82036 and 18425.

You and the Committee violated the Act by failing to file a required 24-hour contribution report on a Form 497 to report a loan of \$1800 which your Committee received on October 4, 2018, which was used for campaign purposes. That loan, which is considered a contribution, was required to be reported and filed within 24 hours of receipt, or by October 5, 2018, on a Form 497.

However, with respect to this violation, there are several important mitigating factors present in this case. You and the Committee have no prior Enforcement history with the Commission. There was no evidence of intent to violate any provisions of the Act, and there was only one violation (as noted above). Additionally, the loan was reported on a Form 460, before the date of the election, which provided some public disclosure. Furthermore, a large portion of the loan (\$1500) was paid back, and this was also properly reported on the appropriate Form 460 filing referenced earlier in this letter. Finally, there was a low amount of money raised and spent by the Committee and the Committee has terminated. 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 closing this case with this warning letter.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused violations with minimal public harm and the committee had a small amount of activity.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

This letter serves as a written warning. However, 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 may result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC Enforcement Division case resolution mechanism 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 hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of administrative proceedings by requesting that your case proceed with prosecution rather than this warning, please notify us within ten (10) days of the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. Specifically, the next step in your matter would be the issuance of a public accusation since a finding of probable cause was already made. 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.

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ Regulation 18360.2.

⁸ See Regulation 18361.5, subdivision (e)(3).

If you have any questions regarding this letter, please contact me at 916-322-7771 or aberjikly@fppc.ca.gov.

Sincerely,

Artin Berjikly

Artin Berjikly
Senior Commission Counsel
Enforcement Division