



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

November 21, 2022

Nicole A. Ryan
Nicole Ryan for ECC Board of Trustees 2020
15023 Fonthill Ave
Hawthorne, CA 90250

Via Email: nryan@bwscampus.com

Warning Letter Re: FPPC No. 2021-00744, Nicole Ryan for ECC Board of Trustees 2020 and Nicole A. Ryan

Dear Ms. Ryan:

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 your filing officer alleging that you failed to file a Form 470 Supplement in connection with the November 3, 2020 General Election.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to file the Form 470 Supplement within 48 hours of receiving contributions totaling \$2,000 or more or making expenditures of \$2,000 or more. Additionally, you and Nicole Ryan for ECC Board of Trustees 2020 (the “Committee”) failed to timely file one 24-hour report, one semi-annual campaign statement, and a statement of organization.

The Act requires candidates or officeholders who filed a Form 470 and thereafter received contributions or made expenditures totaling \$2,000 or more, to send written notification (Form 470 Supplement) to the Secretary of State, the local filing officer, and each candidate for the same office within 48 hours of receiving or spending \$2,000 or more.²

The Act requires candidate-controlled committees to file two pre-election campaign statements in connection with the applicable election, as well as semi-annual campaign statements until the committee terminates.³ The Act also requires candidate-controlled committees that

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 Section 84206, subd. (c) and Regulation 18406.

³ Sections 84200 and 84200.5.

receive a contribution of \$1,000 or more from a single source within 90 days before the election to file a 24-hour report within 24 hours of receipt of the contribution.⁴ Finally, the Act requires committees to file the original of the statement of organization (Form 410) with the Secretary of State and a copy of the statement of organization with the local filing officer.⁵

Your actions violated the Act because you failed to file the Form 470 Supplement within 48 hours of receiving contributions totaling \$2,000. You and the Committee violated the Act by failing to timely file a 24-hour report for a contribution of \$5,000 received on October 7, 2020, and a semi-annual campaign statement for the reporting period ending on December 31, 2020. Finally, you and the Committee failed to timely file a statement of organization with the Secretary of State.

However, the Enforcement Division has decided to close this case with a warning letter because you and the Committee timely filed a pre-election campaign statement disclosing the Committee's campaign activity, including the contribution received on October 7, 2020 that qualified the Committee as a recipient committee. You and the Committee also filed the semi-annual campaign statement for the reporting period ending on December 31, 2020 on March 19, 2021, before being contacted by the Enforcement Division regarding this matter. Additionally, you were a first-time candidate with no prior experience with the Act, and your election bid was unsuccessful. Finally, neither you nor the Committee have a history of violating the Act, and the Committee was terminated as of July 30, 2021.

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

⁴ Sections 82036 and 84203.

⁵ Section 84101.

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.

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 mnash@fppc.ca.gov or (916) 322-5772 or with any questions you may have regarding this letter.

Sincerely,

Marissa Nash

Commission Counsel
Enforcement Division