



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

February 22, 2023

Denise Eby for Brea City Treasurer 2020

Denise Eby, Candidate

Lisa Vargas, Treasurer



Warning Letter Re: FPPC No. 2020-00885; Denise Eby for Brea City Treasurer 2020

Dear Ms. Eby, Ms. Vargas, & Committee,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, in October of 2020, the Enforcement Division received a sworn complaint alleging that you violated the campaign disclosure provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file a Statement of Organization (Form 410) after your committee qualified.

The Act requires candidates to file a Form 410 with the Secretary of State’s office within 10 days of their committee’s qualification.² Further, candidates who filed a Form 410 indicating that the committee qualification threshold was not yet met must then file a Form 410 amendment, within 10 days of meeting the committee qualification threshold, to disclose the date the committee qualified.³ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

Your actions violated the Act because you failed to timely file your Form 410 following the committee's date of qualification. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine for the following reasons: you filed both pre-election

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 84101, subd. (a)

³ Section 84103.

⁴ Sections 83116.5 and 91006.

campaign statements (Form 460) before the election; your committee has continued to timely file its required semi-annual campaign statements; the Form 410 has been filed; and you do not have a history of violating the Act.

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. If you have any questions regarding this letter, please contact Ginny Brown at gbrown@fppc.ca.gov or (916) 322-8064.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB:gb

cc: Bev Perry, Sworn Complainant [REDACTED]