



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

April 3, 2023

Navi Kahlon for Tracy Unified School District Board 2022
Navi Kahlon, Candidate & Treasurer
[REDACTED]

Warning Letter Re: FPPC No. 2023-00114; Navi Kahlon; Navi Kahlon for Tracy Unified School District Board 2022

Dear Ms. Kahlon & Navi Kahlon for Tracy Unified School District Board 2022,

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 response to the Enforcement Division’s pre-election outreach program, we were made aware by the San Joaquin County Clerk that you failed to timely file a pre-election campaign statement in connection with the November 8, 2022 General Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the second pre-election campaign statement, and you failed to file three 24-Hour Contribution Reports (Form 497) to disclose loans made to your committee that aggregated in excess of \$1,000.

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, as well as semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. The Act also requires candidate-controlled committees to file a 24-Hour Contribution Report (Form 497) if the committee receives a contribution(s) totaling \$1,000 or more from a single source during the 90 days preceding the applicable election or on the date of the election.³ A loan is considered a “contribution” under the Act.⁴

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 Sections 84200.5 and 84200.

³ Sections 82036 and 84203.

⁴ Section 82015.

Your actions violated the Act because you failed to timely file the second pre-election campaign statement for the period covering September 25, 2022 through October 22, 2022 by the October 27, 2022 deadline; and you failed to timely file three 24-Hour Contribution Report (Form 497) for contributions (loans) of \$1,000 or more received during the 90-day period preceding the November 8, 2022 election. But, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: You were referred as part of the proactive pre-election program; you filed the pre-election campaign statement immediately after you were contacted by the Enforcement Division; you filed both pre-election campaign statements before the election; you were an unsuccessful candidate; and you have no prior enforcement history. 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 multiple violations with minimal public harm that were corrected upon contact.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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

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).

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.

Please feel free to contact Ginny Brown at gbrown@fppc.ca.gov or 916-322-8064 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB:gab

cc: San Joaquin County Clerk