



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

April 10, 2023

Caree Annette Harper
David Gould
[REDACTED]

Warning Letter Re: FPPC No. 2022-00715: Carey Annette Harper for Judge 2020, Carey Harper, and David Gould

Dear Carey Harper and David Gould:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”). This letter is in response to a Franchise Tax Board audit conducted on Carey Annette Harper for Judge 2020 (the “Committee”) for the dates of January 1, 2019 through June 30, 2020. The audit found that expenditures totaling \$4,996 were not paid from the campaign bank account. Additionally, receipts and/or invoices were not maintained for expenditures made totaling \$4,788.

The Act requires upon the filing of the statement of intention the individual shall establish one campaign contribution account at an office of a financial institution located in the state.¹ The Act also requires all campaign expenditures shall be made from the campaign bank account.² Additionally, it shall be the duty of each candidate, treasurer, principal officer, and elected officer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed.³

The Enforcement Division found that expenditures totaling \$4,996 were not paid from the campaign bank account of the Committee. Additionally, receipts and/or invoices were not maintained for expenditures made totaling \$4,788. The Enforcement Division has determined to close your case with a warning letter for the following reasons: the dollar amount of the receipts and/or invoices missing make up only about 6% of the total dollar amount spent by the committee, most of the contributions received by the committee were from the candidate, all of the funds not paid from the campaign bank account and without invoices were from the candidate, all of the activity was timely reported, the candidate was unsuccessful in the election,

¹ Section 85201, subd. (a).

² Section 85201, subd. (e).

³ Section 84104.

the total amount outside of the bank account was under \$5,000, and you do not have a 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.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ This resolution may not be used as a comparable case for other enforcement matters.⁶

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. Furthermore, the Enforcement Division expects Captor to file the appropriate lobbyist employer report as it still requires filing.

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.

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,



Alex J. Rose, Commission Counsel
Enforcement Division

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulations 18360.1 and 18360.3.

⁶ See Regulation 18361.5, subdivision (e)(3).