



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

May 8, 2023

Kathleen Cross for Glendale School Board Area C 2022

Kathleen Cross

Deborah Pasachoff, Treasurer



Warning Letter Re: FPPC No. 2023-00323; Kathleen Cross for Glendale School Board Area C 2022, Cross, Pasachoff

Dear Committee, Kathleen Cross, and Deborah Pasachoff:

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 informed by the Los Angeles County Registrar-Recorder/County Clerk that you failed to timely file a pre-election campaign statement in connection with the June 7, 2022 Primary Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the first pre-election campaign statement with the Los Angeles County Registrar-Recorder/County Clerk. Additionally, we found that you failed to timely file two 24-Hour Contribution Reports (Form 497).

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. Further, the Act directs that a candidate for County elective office must file their campaign statements with the elections official of that County.³ The Act also requires candidate-controlled committees that receive a contribution(s), including a loan, totaling \$1,000 or more from a single source within 90 days before the election, or on the date of the election, to file a 24-Hour

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 Section 84215(c).

Contribution Report within 24 hours of receiving the contribution.⁴ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁵

Your actions violated the Act because you failed to timely file the first pre-election campaign statement for the period covering January 1, 2022 through April 23, 2022, by the April 28, 2022 deadline, with the Los Angeles County Registrar-Recorder/County Clerk. You also violated the Act by failing to timely file two 24-Hour Contribution Reports. However, there are several mitigating factors present in this case: You were referred as part of the proactive pre-election outreach program; you filed the first pre-election campaign statement timely with the City of Glendale and with the Los Angeles County Registrar-Recorder/County Clerk well before the applicable election; the second pre-election campaign statement was timely filed in the correct location; the contributions that triggered 24-Hour Contribution Reports were disclosed on the first pre-election statement; and you have no history of violating the Act. 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.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 Los Angeles County Registrar-Recorder/County Clerk's office, 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

⁴ Sections 82036 and 84203.

⁵ Sections 83116.5 and 91006.

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulation 18360.1.

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

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 Tara Stock at tstock@fppc.ca.gov or 916-322-8241 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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