



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

March 14, 2023

Tomara Hall for San Jose Unified School District Trustee Area 3 2020
Tomara Hall, Candidate and Treasurer
[REDACTED]

Warning Letter Re: FPPC No. 2021-00095; Tomara Hall for San Jose Unified School District Trustee Area 3 2020, Hall

Dear Ms. Hall and Committee:

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 several referrals from Santa Clara County regarding your failure to timely file campaign statements. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the first and second pre-election campaign statements in connection with the November 3, 2020 election. Additionally, we found that you failed to timely file four 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. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

The Act also requires candidate-controlled committees that receive a contribution(s) 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 Contribution Report (Form 497) within 24 hours of receiving the contribution.⁴

You violated the Act by failing to timely file the first and second pre-election campaign statements for the periods covering January 1, 2020 through September 19, 2020 and September 20, 2020 through October 17, 2022, by the September 24, 2020 and October 20, 2020 deadlines, respectively. Additionally, you violated the Act by failing to file four 24-Hour Contribution Reports within 24 hours of receiving contributions of \$1,000 on August 6, 2020, August 14, 2020, September 3, 2020, and

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 83116.5 and 91006.

⁴ Sections 82036 and 84203.

September 24, 2020. However, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: You were an unsuccessful candidate, you filed the missing pre-election campaign statements after you were contacted by the Enforcement Division, 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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

Please note that while the Enforcement Division is closing this matter without a fine, your filing officer, the County of Santa Clara, 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 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

CBB:ts

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