



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

May 30, 2023

James R. Sutton
The Sutton Law Firm
o/b/o Madeline Kronenberg
150 Post Street, Suite 405
San Francisco, CA 94108

Via email: jsutton@campaignlawyers.com

Warning Letter Re: FPPC No. 2019-00412; Madeline Kronenberg

Dear Mr. Sutton,

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 a Commission-initiated investigation which found that Madeline Kronenberg ("Kronenberg"), a former member of the Board of Directors for the West Contra Costa Unified School District, failed to timely file certain behested payment reports (Form 803).

Under Section 82015, subdivision (b)(2)(B)(iii) of the Act, payments that are made principally for a legislative, governmental, or charitable purpose are neither contributions nor gifts to the elected official. However, the payment made at the behest of a candidate who is an elected official must be reported by the official within 30 days following the date on which the payment or payments are made, if they equal or exceed \$5,000 in the aggregate, and are from the same source in the same calendar year.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that Kronenberg failed to timely file behested payment reports disclosing payments of \$5,000 or more from 11 different donors made at Kronenberg's behest between December 2012 and June 2014.² The payments were made to the Ivy League Connections, a privately-financed scholarship program.

However, there are mitigating factors present in this case. Kronenberg was a first-time behested payment filer, had a low level of experience and sophistication as to behested payment reporting, did not have a prior history of filing late behested payment reports, was cooperative during the investigation, and is no longer in office; each individual behested payment was less than

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 Kronenberg executed a tolling agreement in this case, effective July 14, 2017, effectively tolling the statute of limitations applicable to these violations.

\$30,000; and the subject behested payments were made at the behest of Kronenberg and a co-behestor, who has filed Form 803s reporting the same payments. 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.³ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁴ This resolution may not be used as a comparable case for other enforcement matters.⁵

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 your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your client wishes to avail themselves of these proceedings by requesting that their 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 need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me at cburton@fppc.ca.gov or (916) 322-5021 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

³ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁴ Regulations 18360.1 and 18360.3.

⁵ See Regulation 18361.5, subdivision (e)(3).