



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

June 9, 2023

Alexander E. Kent for San Carlos City Council 2022
Alexander Kent, Candidate and Treasurer
[REDACTED]

**Warning Letter re: FPPC No. 2023-00406, Alexander E. Kent for San Carlos City Council 2022;
Kent**

Dear Committee and Alexander Kent:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a complaint alleging that you violated the campaign disclosure provisions of the Act regarding campaign activity in connection with your candidacy for the San Carlos City Council in the November 8, 2022 election.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file a Form 470 Supplement and a Form 410 amendment. Additionally, we found that you failed to 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 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 Form 497 within 24 hours of receiving the contribution.³ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

The Act allows a candidate who has not raised or spent \$2,000 or more in a calendar year to file a Form 470 (Campaign Short Form) by the first pre-election campaign statement deadline in lieu of filing two pre-election campaign statements (Form 460).⁵ However, if a candidate files Form 470 and thereafter receives contributions or makes expenditures totaling \$2,000 or more in a calendar year, the candidate must send written notification (Form 470 Supplement) to the Secretary of State, the local filing officer,

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 Sections 83116.5 and 91006.

⁵ Section 84206, subd. (a) and Regulation 18406.

and each candidate for the same office within 48 hours of meeting or exceeding the \$2,000 committee qualification threshold.⁶ The Act also requires candidates who filed a Form 410 (Statement of Organization) indicating that the committee qualification threshold was not yet met to file a Form 410 amendment within 10 days of meeting the committee qualification threshold to disclose the date the committee qualified.⁷

Your actions violated the Act because you failed to timely file the Form 470 Supplement and Form 410 amendment. Additionally, you failed to file two Form 497s within 24 hours of receiving contributions totaling \$1,000 or more on August 12, 2022 and October 26, 2022. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine for the following reasons: The Form 470 Supplement was filed immediately after you were contacted by the Enforcement Division and well before the election; the \$1,000 contribution received on August 29, 2022 was timely disclosed on the first pre-election campaign statement; both pre-election campaign statements were timely filed; your committee has been terminated; and, you do not have a history of violating the Act.

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. If you have any questions regarding this letter, please contact Tara Stock at tstock@fppc.ca.gov or (916) 322-8241.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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⁶ Section 84206, subd. (c).

⁷ Section 84103.