



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

December 13, 2023

Committee to Elect Rich Lynn Mayor 2020
Richard Lynn, Candidate and Treasurer

[REDACTED]

[REDACTED]

Warning Letter Re: FPPC No. 2021-01084, Committee to Elect Rich Lynn Mayor 2020, Rich Lynn

Dear Committee and Rich Lynn,

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 complaint filed against the Committee to Elect Rich Lynn Mayor 2020 (“the Committee”) alleging the Committee violated the Act’s campaign disclosure provisions. The Enforcement Division has completed its review of the facts in this case. Specifically, we found the Committee failed to timely file an amendment to the Statement of Organization to disclose the date that the Committee qualified as a committee, failed to timely file a pre-election campaign statement covering the period of January 1, 2020, to September 19, 2020, and failed to timely file one 24-hour late contribution report.

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring candidates and committees to disclose all contributions received and expenditures made throughout a campaign on timely filed campaign statements and reports.² Within 10 days of qualifying as a committee, a recipient committee is required to file a Statement of Organization to report the committee’s date of qualification.³ If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change.⁴ The committee shall file the original of the amendment with the Secretary

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² See sections 84200 through 84225.

³ Section 84101, subd. (a).

⁴ Section 84103.

of State and shall also file a copy of the amendment with the local filing officer with whom the committee is required to file its campaign statements.⁵

The Act also 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 31.⁶ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee.⁷ Finally, each candidate or committee that makes or receives a late contribution shall report the late contribution within 24 hours of the time it is made or received.⁸ Under the Act, a “late contribution” includes a contribution that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.⁹

Your actions violated the Act because the Committee failed to timely file an amendment to the Statement of Organization within 10 days of qualifying as a committee. The Committee’s amendment was due on October 23, 2020, and was filed on October 28, 2020. The Committee also failed to timely file the first pre-election campaign statement covering the period of January 1, 2020, to September 19, 2020, by the due date. Finally, the Committee failed to timely file a 24-hour late contribution report for a contribution totaling \$1,500 received on October 22, 2020. However, mitigating circumstances exist in this case. The Statement of Organization amendment was filed five days late and prior to the election. The first pre-election statement was filed prior to the election, prior to FPPC Enforcement contact, and disclosed minimal activity. Additionally, the campaign was self-funded, except for the \$1,500 contribution that triggered the 24-hour late contribution report. Finally, you were a first-time candidate who served as your own treasurer, were unsuccessful in the election, and have no 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.¹⁰ Discretion was used based upon mitigating or aggravating circumstances and the totality of the

⁵ *Id.*

⁶ Sections 84200.5 and 84200.

⁷ Section 84214; Regulation 18404.

⁸ Section 84203.

⁹ Section 82036, subd. (a)

¹⁰ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

circumstances.¹¹ This resolution may not be used as a comparable case for other enforcement matters.¹²

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. Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to file the missing statements and pay any late filing fees assessed by the filing officer. Please contact the Committee's filing officer, the City of Fairfield at cityclerk@fairfield.ca.gov, for further information about required filings. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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 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 279-237-5932 or MCorona@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

¹¹ Regulations 18360.1 and 18360.3.

¹² Regulation 18361.5, subdivision (e)(3).