



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

December 15, 2023

Giti Underhill
[REDACTED]

Warning Letter Re: FPPC No. 2023-00719; Giti Underhill

Dear Giti Underhill,

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 an anonymous complaint alleging that you failed to timely file two major donor campaign statements (Form 461) despite qualifying as a major donor committee in 2018 and 2022, and that you failed to timely file multiple 24-hour contribution reports (Form 497).

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you qualified as a major donor committee on September 20, 2018 when your contributions for the calendar year exceeded \$10,000 or more. We found that you failed to timely file a corresponding Form 461 disclosing your activity. Further, the contribution qualified as a “late contribution” requiring the filing of a 24-hour contribution report, which you did not timely file. Additionally, we found that you qualified as a major donor committee on July 28, 2022 when you made a \$10,000 contribution.

Under the Act, an individual or entity that makes contributions totaling \$10,000 or more in a calendar year qualifies as a major donor committee and incurs filing obligations.² If the \$10,000 threshold is met in the first six months of the calendar year, a major donor must file a Form 461 by July 31 of the calendar year covering the period of January 1 through June 30.³ If additional contributions are made after June 30, a major donor must file a Form 461 by January 31 of the following calendar year covering the period of July 1 through December 31.⁴ The Act requires committees that make or receive a late contribution to file a late contribution report within 24 hours of making or receiving the contribution.⁵ A “late contribution” includes a contribution(s) made to or received by a committee primarily formed to support a candidate that

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 Section 82013, subd. (c).

³ Section 84200, subd. (b).

⁴ *Id.*

⁵ Section 84203.

aggregates \$1,000 or more and is made within 90 days before the date of the election or on the date of the election in which the pertinent candidate is to be voted on.⁶

Your actions violated the Act because you failed to timely file two Form 461s and multiple Form 497s by the applicable deadlines.⁷ However, mitigating evidence exists such that the Enforcement Division has decided to close this matter with this warning letter rather than issue a fine: the amount contributed was fairly low, the committees that received your contributions timely disclosed receipt of the contribution on a timely filed pre-election campaign statement (Form 460) and 24-hour contribution report resulting in minimal public harm, and you have no prior Enforcement history.

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 himself of these proceedings by requesting that his 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 jrivera@fppc.ca.gov or 916-738-6411 with any questions that you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division

⁶ Section 82036.

⁷ You failed to timely file a 24-hour contribution for the contributions you made on September 11, 2018, September 19, 2018, and September 20, 2018. However, the applicable statute of limitations has expired as to these additional violations.