



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

December 14, 2023

Linda Dealy Blankenship, Candidate
Gary Felien, Treasurer
Linda Dealy Blankenship for CA Senate District 39 (2020)



Warning Letter Re: FPPC No. 2022-00270, Linda Dealy Blankenship for CA Senate District 39 2020, Linda Dealy Blankenship, and Gary Felien

Dear Respondents,

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 referral from the Franchise Tax Board’s (“FTB”) Political Reform Audit Program resulting from an audit of Linda Dealy Blankenship for CA Senate District 39 2020 (“the Committee”), for the audit period of January 1, 2019 to December 31, 2020. The FTB Audit report concluded the Committee substantially complied with the Act’s disclosure and recordkeeping provisions, but that the Committee violated the Act by failing to maintain adequate records and failing to use one campaign bank account.

It is the duty of each committee treasurer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements and to establish that campaign statements were properly filed.² This duty includes the maintenance of detailed information and original source documentation for a period of four years following the date the campaign statement to which they relate is filed.³ Examples of original source documentation that must be maintained include copies of bills, receipts, and invoices for expenditures of \$25 or more.⁴ The Act also requires that personal funds of the candidate which will be used to promote the election of the candidate, other than payments for a filing fee or statement of qualifications, must be deposited into the campaign bank account prior to expenditure.⁵

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 Section 84104.

³ Regulation 18401, subd. (b)(2).

⁴ Regulation 18401, subd. (a)(4).

⁵ Sections 85201, subd. (d) and (f).

The Enforcement Division has completed its review of this case and determined the Committee failed to maintain records relating to the disposition of a computer and a printer used by the Committee. Additionally, the Committee failed to deposit the candidate's personal funds into the campaign bank account prior to making expenditures related to campaign activity. However, mitigating circumstances exist in this case. The Committee maintained other required records, the candidate was reimbursed for a large portion of the personal funds used, and a large portion of the expenditures made with personal funds were disclosed timely on the relevant campaign statements. Finally, you were unsuccessful in the election, the Committee is terminated, and you have no prior history of violating the Act in the last 5 years. 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulation 18360.1.

⁸ See Regulation 18361.5, subdivision (e)(3).

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

Cc: FTB Audit Division

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