



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

December 5, 2023

Eric Payne individually and O/B/O Re-Elect Eric Payne SCCCDC Trustee Area 2 2020

[REDACTED]

[REDACTED]

Warning Letter Re: FPPC No. 2021-00339; Re-Elect Eric Payne SCCCDC Trustee Area 2 2020 and Eric Payne

Dear Committee and Eric Payne,

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 you that alleged: “Payne continues to purchase campaign items (year 2020) from “Truth Branding” located at 700 Van Ness in Fresno. Eric Payne has a zero balance from contributions and is not employed.” The Enforcement Division has completed its investigation of the facts in this case. Specifically, we found that your committee Re-Elect Eric Payne SCCCDC Trustee Area 2 2020 (“the Committee”) failed to timely file pre-election campaign statements and semiannual campaign statements in connection with the November 3, 2020 General Election.

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 obligation to file semiannual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³ A candidate is permitted to file a Candidate Campaign Statement Short Form, Form 470, if the candidate receives or spends less than \$2,000. Until a Form 470 is filed, the pre-election campaign statements and semiannual campaign statements are required.⁴

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 Sections 84200.5 and 84200.

³ Sections 83116.5 and 91006.

⁴ Section 84206.

Your actions violated the Act because the Committee failed to timely file the pre-election campaign statements covering the periods of January 1, 2020 to September 19, 2020 and September 20, 2020 to October 17, 2020 by their required due dates. In addition, the Committee failed to timely file six semiannual campaign statements for the periods ending December 31, 2020, June 30, 2021, December 31, 2021, June 30, 2022, December 31, 2022 and June 30, 2023 by their respective due dates. The Enforcement Division has determined that mitigating circumstances are present here. The public harm is minimal here because the Committee did not spend or raise any money, therefore you could have filed a Form 470. The Committee filed the second pre-election campaign statement prior to the election, one day late. Finally, the committee is terminated, and you were an unsuccessful candidate in the 2020 General Election. Based on the foregoing, the Enforcement Division is closing this case with a warning letter. Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.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.

Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to file the outstanding statements and pay any late filing fees assessed by the filing officer. Please contact your local filing officer 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.

⁵ Regulations 18360.1 and 18360.3.

Please feel free to contact me at MCorona@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Marissa Corona

Commission Counsel
Enforcement Division