



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

November 16, 2023

James Sutton
o/b/o Vikrum Aiyer
via email: jsutton@campaignlawyers.com

Warning Letter Re: FPPC No. 2023-00450; Vikrum Aiyer

Dear Mr. Sutton,

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 Commission-initiated investigation which found that your client, Vikrum Aiyer, failed to file major donor campaign statements (Form 461) for the calendar years 2021 and 2022.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that your client qualified as a major donor committee during the calendar years 2021 and 2022 yet failed to file a corresponding Form 461 disclosing their activity.

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 covering the period of January 1 through June 30 by July 31 of the calendar year. If the threshold is met in the latter six months of the calendar year, a major donor must file a Form 461 covering the period January 1 through December 31 by January 31 of the following calendar year.³

Your client’s actions violated the Act because they failed to timely file a Form 461 covering the periods: January 1, 2021 through December 31, 2021 by the January 31, 2022 deadline; January 1, 2022 through June 30, 2022 by the July 31, 2022 deadline; and July 1, 2022 through December 31, 2022 by the January 31, 2023 deadline. However, mitigating evidence exists such that the Enforcement Division has decided to resolve these violations with this warning letter rather than a fine: this was your client’s first time qualifying as a major donor committee; the amount contributed was less than \$50,000 for each calendar year; and no contributions of \$5,000

¹The 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(c)

³ Section 84200

or more were made, which would have triggered the recipient committee to notify your client of potential filing obligations. Further, your client filed the Form 461s immediately after being contacted by the Enforcement Division and they have no prior Enforcement history. Finally, we note that separate violations regarding non-filed 24-Hour contribution reports (Form 497) were resolved via a streamline settlement approved at the November 16, 2023 Commission meeting.

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 themselves of these proceedings by requesting that their 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 Tara Stock at tstock@fppc.ca.gov or 916-322-8241 with any questions you may have regarding this letter.

Sincerely,

James M. Lindsay

James M. Lindsay, Chief
Enforcement Division

JML:gab