



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

January 29, 2024

Wildstar for Fresno City Council 2022
Nickolas Wildstar, Candidate and Treasurer
[REDACTED]

Warning Letter – FPPC No. 2022-00521; Wildstar for Fresno City Council 2022; Nickolas Wildstar

Dear Nickolas Wildstar:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ In response to the Enforcement Division’s pre-election outreach efforts, we were made aware by the City of Fresno that you failed to timely file a pre-election campaign statement in connection with the June 7, 2022 Primary Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the first pre-election campaign statement (Form 470) due on April 28, 2022.

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the election in which the candidate is listed on the ballot.² For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.³ The Act allows a candidate who does not have an open committee and does not plan to raise or spend \$2,000 or more in connection with the applicable election to file a Form 470 (Campaign Statement - Short Form) covering the entire calendar year by the first pre-election campaign statement deadline.⁴

You violated the Act because you failed to file your Form 470 by April 28, 2022, the deadline to file the first pre-election campaign statement. However, there are several mitigating factors present in this case: you were referred as part of the proactive pre-election outreach program; you filed your Form 470 after you were contacted by the Enforcement Division; you filed your Form 470 before the election; and you were an unsuccessful candidate.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directive 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

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Section 84200.5.

³ Section 84200.8, subd. (a).

⁴ Sections 84206 and 84200.8; Regulation 18406.

carryover caseload, the Enforcement Division is closing this case with this warning letter.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷ Please note that while the Enforcement Division is closing this matter without a fine, your filing officer may assess late filing penalties.

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 have any questions regarding this letter, please contact Jaleena Evans at 279-237-3754 or jevans@fppc.ca.gov.
Sincerely,

Jaleena M. Evans

Jaleena M. Evans, Attorney
Enforcement Division

⁵<https://www.fppc.ca.gov/content/dam/fppc/NSDocuments/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ See Regulation 18361.5, subd. (e)(3).