



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

January 10, 2024

Yee for Saddleback Valley USD Board 2020

Tricia Yee

Thomas "Tom" Montgomery

2 Civic Center Dr. #4338

San Rafael, CA. 94913-5703

Warning Letter re: FPPC No. 2021-00134; Tricia Yee, Thomas "Tom" Montgomery, and Yee for Saddleback Valley USD Board 2020

Dear Committee, Tricia Yee, and Thomas "Tom" Montgomery:

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 and an AdWatch complaint that alleged you violated the Act's advertisement disclosure provisions by failing to disclose identifying information on advertisements published in a coupon booklet.

During the investigation and review of the case we discovered that this Committee's first pre-election statement was not timely filed. The Act requires general purpose committees to file pre-election campaign statements until the committee terminates.² You and the Committee violated the Act by failing to timely file the first pre-election campaign statement covering the period of July 1, 2020 through September 19, 2020, which was due on September 24, 2020.

For this violation, the Enforcement Division decided to close this case with this warning letter rather than impose a fine because the late filing appeared to result from a misunderstanding of the rules. Additionally, the violation resulted in minimal public harm since neither you nor the Committee have a history of violating the Act, Yee was an unsuccessful candidate, and the Committee was terminated in 2020.

This letter serves as a written warning. The information for this violation will be retained and may be considered should an enforcement action become necessary based on newly

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(a)(1) and 84200.8

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.

Regarding the allegations that you violated the Act's advertisement disclosure provisions by failing to disclose identifying information on advertisements published in a coupon booklet, after our investigation and review, the Enforcement Division has found insufficient evidence of a violation of the Act. Therefore, we are closing this alleged violation without further action.

Although we are closing our file on this matter, please be advised of the provisions in the Act regarding filing of campaign statements and advertisement disclosure statements. If you need future guidance regarding candidate obligations, please visit our website at www.fppc.ca.gov. You may also contact me at (279)237-5978, or via e-mail at cbernabe@fppc.ca.gov.

Sincerely,

Cynthia Bernabe

Cynthia Bernabe
Commission Counsel
Enforcement Division