



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

February 2, 2024

Vivian Elias for Walnut City Council
Vivian Elias



Warning Letter Re: FPPC No. 2022-00939; Vivian Elias for Walnut City Council 2020 and Vivian Elias

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 Vivian Elias for Walnut City Council 2020 (the “Committee”) for the audit period of January 1, 2020 through December 31, 2020.

The FTB audit report concluded that the Committee substantially complied with the Act’s disclosure and recordkeeping provisions, but that the Committee violated the Act by failing to file three Form 497 Contribution Reports with the Walnut City Clerk. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file two 24-hour contribution reports within 24 hours of receiving two contributions exceeding \$1,000 within the 90 days preceding an election.

The Act requires committees that make or receive a late contribution to file a 24-hour contribution report within 24 hours of making or receiving the contribution.² A “late contribution” includes a contribution(s) aggregating \$1,000 or more that is made to or received by a candidate or controlled committee within 90 days before the date of the election, or on the date of the election, in which the pertinent candidate is to be voted on.³ A loan is considered a “contribution” under the Act.⁴

The Committee’s actions violated the Act because it received two contributions exceeding \$1,000 within the 90 days preceding an election. However, mitigating evidence exists

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 Section 84203.

³ Section 82036.

⁴ Section 82015.

here that we are closing this case with this Warning Letter. The contributions were from the candidate, the Committee reported the contributions on the timely filed pre-election campaign statements resulting in minimal public harm, this was the Respondent's first time running for office, the Respondent was unsuccessful in their bid for office, the Committee has terminated, and the Respondents have no prior Enforcement history.

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 himself of these proceedings by requesting that his 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 jrivera@fppc.ca.gov or (279) 237-5913 with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division

cc: Franchise Tax Board @ Dawn.Hadid@ftb.ca.gov and Layla.Arshadi@ftb.ca.gov