



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

September 28, 2023

Tony Wu, West Covina City Council Member
Tony Wu for City Council 2018
[REDACTED]

Stephany Barbosa
[REDACTED]

Warning Letter re: FPPC Case No. 2019-00840; Tony Wu; Tony Wu for West Covina City Council; Stephany Barbosa

Gentlepersons:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ In the election held November 6, 2018, Tony Wu was a successful candidate for West Covina City Council. Tony Wu's controlled committee for this election was Tony Wu for City Council 2018. The committee treasurer was Stephany Luevano (now known as Stephany Barbosa). This case was opened in response to a sworn complaint that was received by the Enforcement Division regarding allegations that you failed to properly report/itemize credit card expenditures of \$100 or more. As discussed in more detail below, this case is being closed with a warning letter.

At the core of the Act's campaign reporting system is the requirement that candidates and their controlled committees must file campaign statements and reports for certain reporting periods and by certain deadlines. These include semi-annual and pre-election campaign statements.²

These filings are required to disclose accurate information about committee receipts and expenditures, including accrued expenses (unpaid bills for goods and services that have been received or provided to the candidate/committee during the reporting period).³ When campaign expenditures are paid with a credit card, the following information must be reported: name of the credit card company, street address, city, state, zip code, and the amount of payment. With respect to the credit card charges, themselves, similar information must be provided for each vendor who received \$100 or more; plus, a description of the payment must be provided.⁴

///

///

///

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2018).

² See Sections 84200, *et seq.*

³ Sections 82025 and 84211.

⁴ See Section 84211; Regulation 18421.9.

In this case, you violated Section 84211, subdivision (k), and Regulation 18421.9 by failing to itemize and report credit card expenditures of \$100 or more on Schedule G of the following campaign statements:

1. Pre-election campaign statement for the period ending September 22, 2018 (credit card charges of \$100 or more, totaling approximately \$7,551).
2. Pre-election campaign statement for the period ending October 20, 2018 (credit card charges of \$100 or more, totaling approximately \$2,020).
3. Semi-annual campaign statement for the period ending December 31, 2018 (credit card charges of \$100 or more, totaling approximately \$5,391).

In mitigation, when contacted by the Enforcement Division, you promptly filed corrective amendments for the above violations. (These were filed after the election—on August 7, 2019.) On your original campaign filings, the total amount charged to the committee credit card for each period was timely reported on Schedule E (albeit without the required itemization on Schedule G regarding charges of \$100 or more). Also, you do not have any history of prior, similar violations during the past five years. Additionally, you stated that you called the FPPC advice line and reported the charges in the manner that you were advised to report them. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division's annual 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

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. 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.

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

⁶ Regulations 18360.1 and 18360.3.

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

If you need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

Neal P. Bucknell
Senior Commission Counsel
Enforcement Division
nbucknell@fppc.ca.gov
(916) 323-6424