



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

April 25, 2024

Committee to Elect Kathy Strong for Indian Wells City Council 2020  
Kathy Strong, Candidate  
John Eger, Treasurer

Sent via email: [REDACTED]

**Warning Letter: FPPC No. 2020-00802; Committee to Elect Kathy Strong for Indian Wells City Council 2020, Kathy Strong, and John Eger**

Dear Committee, Kathy Strong, and John Eger,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> As you are aware, the Enforcement Division received a complaint regarding Committee to Elect Kathy Strong for Indian Wells City Council 2020 (“the Committee”) alleging advertisement violations regarding postcards and brochures with envelopes produced by the Committee in connection with the November 3, 2020 General Election.

The Enforcement Division has completed its review of the facts of this case. We’ve determined that the Committee failed to include “Ad Paid for by” with the committee’s name and address on mailers and a Facebook video, failed to timely file one semiannual campaign statement, and failed to timely file four 24-hour contribution reports. Additionally, we’ve determined the Committee failed to use one designated campaign bank account and accepted cash contributions over \$100. These violations have been resolved through a Streamline Stipulation penalty of \$1,075 that was approved by the Fair Political Practices Commission on March 25, 2024.

The Act requires a candidate-controlled committee to disclose specific information on each piece of mail it sends. A mass mailing is made when more than 200 substantially similar pieces of mail are sent in a calendar month.<sup>2</sup> The Act provides that mass mailings sent by a candidate controlled committee must include the disclosure “Paid for by” followed by the name of the committee and the committee’s street address, as reflected on the committee’s most recent Statement of Organization filed pursuant to Section 84101.<sup>3</sup>

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring candidates and committees to disclose all contributions received and

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014.

<sup>2</sup> Section 82041.5 and Regulation 18435, subd. (a).

<sup>3</sup> Section 84504.2.

expenditures made throughout a campaign on timely filed campaign statements and reports.<sup>4</sup> The Act requires committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.<sup>5</sup> The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.<sup>6</sup>

Additionally, each candidate or committee that makes or receives a “late contribution” must file a 24-hour contribution report (“Form 497”) within 24 hours of making or receiving the contribution.<sup>7</sup> In the case of a candidate who is on the ballot, a “late contribution” includes any contribution of \$1,000 or more that is received by the candidate or committee during the 90 days leading up to the election. During this time, a “late contribution” also includes multiple smaller contributions from the same source that add up to \$1,000 or more.<sup>8</sup>

Your actions violated the Act because you failed to include “Ad Paid for by” on a postcard, brochure, and envelope. The Committee also failed to timely file multiple statements and reports and failed to accurately report all contributions. Specifically, you failed to timely file one semiannual campaign statement covering the period of January 1, 2020 to June 30, 2020 by the July 31, 2020 deadline. The Committee also failed to timely file three 24-hour contribution reports for two contributions received on August 18, 2020, a contribution received on September 5, 2020 and a contribution received on October 1, 2020. Finally, the Committee failed to accurately report a \$500 contribution from John Eger to the Committee and failed to report a \$1,300 loan from Eger to the Committee. The Enforcement Division has determined that mitigating circumstances are present here. Immediately after being contacted by the Enforcement Division, you corrected all of the advertisements to include the proper disclosure. The late-filed campaign statement and the 24-hour reports all included less than \$2,000 in activity. Additionally, you spent a low amount regarding the election, have a low level of experience with the Act, made a good-faith effort to report all activity, particularly loans, accurately, you were unsuccessful, and finally you have no prior Enforcement history. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives 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 carryover caseload, the Enforcement Division is closing this case with this warning letter.<sup>9</sup> Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.<sup>10</sup> Additionally, discretion was used for violations that caused minimal public harm

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<sup>4</sup> Section 81002, subd. (a); Section 84200, *et seq.*

<sup>5</sup> Section 84200.

<sup>6</sup> Sections 83116.5 and 91006.

<sup>7</sup> Section 84203.

<sup>8</sup> Section 82036.

<sup>9</sup> <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

<sup>10</sup> Regulation 18360.1.

when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact and when the committee had a small amount of overall activity.<sup>11</sup> This resolution may not be used as a comparable case for other enforcement matters.<sup>12</sup>

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. Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to pay any late filing fees assessed by the filing officer. Please contact the Committee's filing officer for further information about required filings. Any future non-filings may result in monetary penalties and 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 yourselves of these proceedings by requesting that this 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 me at (279) 237-5932 or [MCorona@fppc.ca.gov](mailto:MCorona@fppc.ca.gov)

Sincerely,

*Marissa Corona*

Marissa Corona  
Commission Counsel  
Enforcement Division

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<sup>11</sup> Regulation 18360.2.

<sup>12</sup> See Regulation 18361.5, subdivision (e)(3).