



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

September 19, 2024

Ling Kong For Milpitas School Board 2020
Ling Kong
Liyun Sun, Treasurer
Via email: [REDACTED]

Warning Letter: FPPC No. 2020-00339; Ling Kong for Milpitas School Board 2020; Ling Kong; Liyun Sun

Dear Respondents,

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a complaint alleging that Ling Kong for Milpitas School Board 2020 (“the Committee”) failed to include proper disclosures on electronic mass mailings made in connection with the March 3, 2020, Primary Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to include proper disclosures on electronic mass mailings and failed to timely file 24-hour contribution reports to disclose four contributions received. The violations regarding the disclosures on electronic mass mailings have been resolved with a Stipulation presented to the Commission at the September 19, 2024, Commission Meeting. The violations for failing to timely file 24-hour contribution reports are resolved with this warning letter, as detailed below.

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 expenditures made throughout a campaign on timely filed campaign statements and reports.² 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.³ 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.⁴

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 81002, subd. (a); Section 84200, et seq.

³ Section 84203.

⁴ Section 82036.

The Committee violated the Act because it failed to timely file 24-hour contribution reports to disclose a loan from four different contributions at or over the \$1,000 threshold. However, the Enforcement Division has decided to resolve this case with a warning letter because of the following reasons: the Committee filed three of the four 24-hour contribution reports with the Santa Clara County Registrar before the election, the Committee disclosed all of the late contributions received on timely filed campaign statements, the Committee has been terminated, there was a low level of experience with 24-hour reports, and the Committee has 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 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) 237-5974 or LColumbel@fppc.ca.gov

Sincerely,

Laura Columbel

Laura Columbel
Commission Counsel
Enforcement Division