



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

September 16, 2024

Reelect Tom Panas to School Board 2020 Area 5
Tom Panas

[REDACTED]

Anton Jungherr

[REDACTED]

Via email: [REDACTED]

Warning Letter re: FPPC Case No. 2020-00942; Reelect Tom Panas to School Board 2020 Area 5, Tom Panas, and Anton Jungherr

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you know, the Enforcement Division received a sworn complaint involving certain advertisements placed in the Contra Costa Marketplace magazine in advance of the November 3, 2020 General Election. The Enforcement Division has completed its review of the matter and found that you failed to properly report nonmonetary contributions arising from the subject magazine advertisements on your campaign statements.

An expenditure that is made at the behest of or in coordination with a candidate or committee is considered a contribution to the candidate or committee.² The Act requires committees to disclose on their campaign statements expenditures made, including nonmonetary contributions.³ In particular, in addition to the information required for expenditure reporting, the committee must report the date of the contribution; the cumulative amount of contributions made to a candidate, elected officer, or committee; the full name of the candidate, and the office and district for which the candidate seeks nomination or election; and the jurisdiction in which the candidate is voted upon.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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Regulation 18225.7, subd. (g).

³ Section 84211, subd. (k).

⁴ Section 84211, subd. (k)(5).

The Committee paid for certain magazine advertisements supporting Panas' campaign, as well as the campaigns of three other local candidates in the November 3, 2020 General Election. These advertisements were coordinated with the respective candidates. The Committee reported a \$2,500 expenditure to Contra Costa Marketplace for the advertisements on Schedule E of its campaign statement for the period of July 1, 2020 to September 19, 2020. However, the Committee violated the Act by failing to timely report the corresponding nonmonetary contributions to candidates Audra Williams, Fatima Alleyene, and Estela DePaz on Schedule D of the same campaign statement. However, for the following reasons, the Enforcement Division has decided to close this case with this warning letter rather than a fine: the Committee filed an amendment to its campaign statement, reporting the relevant nonmonetary contributions, on October 29, 2020, prior to the election; the related expenditure was timely reported on the Committee's campaign statement; the supported candidates reported receipt of the nonmonetary contributions on their campaign statements; Panas was unsuccessful in the election; the Committee has terminated; and you 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 Regulations 18360.1 and 18360.2 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.

Please feel free to contact me at cburton@fppc.ca.gov or (279) 237-3769 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton
Assistant Chief of Enforcement
Fair Political Practices Commission