



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

April 4, 2024

Volotzky State Assembly 38th 2020; For Lucie Lapointe
Lucie Lapointe Volotzky
Thomas E. Montgomery III
[REDACTED]

Warning Letter Re: FPPC No. 2020-00827, Volotzky for State Assembly 38th 2020; For Lucie Lapointe and Lucie Lapointe Volotzky

Dear Lucie Lapointe Volotzky,

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 sworn complaint alleging that Volotzky State Assembly 38th 2020; For Lucie Lapointe (“the Committee”) failed to timely file two pre-election campaign statements and a statement of organization, failed to timely report a non-monetary contribution received, and did not correctly code certain expenditures. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file two pre-election campaign statements for the reporting periods ending January 18, 2020 and February 15, 2020, by the applicable due dates. Additionally, the Committee failed to report a non-monetary contribution of \$89 for an endorsement in the form of a flyer. The Committee mistakenly coded two expenditures “professional services (legal, accounting)” (“PRO”), and “campaign consultants” (“CNS”), instead of “campaign paraphernalia/misc.” (“CMP”). Lastly, the Committee failed to timely file a statement of organization within 10 days of qualifying as a recipient committee on January 18, 2020.

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 The Act requires candidate-controlled committees to file two pre-election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as semi-annual campaign statements each year until the committee terminates.³ All contributions

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(a); 84200, *et seq.*

³ Section 84200.5; 84200.

received and expenditures made during the applicable reporting periods must be disclosed.⁴ Controlling candidates are jointly and severally liable, along with the committee, for violations made by the committee.⁵

According to the Act, a “committee” includes any person or combination of persons who receives contributions totaling \$2,000 or more in a calendar year, and is commonly known as a “recipient committee.”⁶ After a committee qualifies as a recipient committee, the committee shall file an original statement of organization with the Secretary of State and file a copy with the local filing officer. This statement must be filed within 10 days after the committee has qualified as a recipient committee.⁷

The Committee failed to timely file two pre-election campaign statements and a statement of organization once the Committee qualified as a recipient committee. The Committee failed to accurately report two expenditures on the Committee’s pre-election campaign statement. Additionally, the Committee failed to report a non-monetary contribution on one of the pre-election campaign statements. However, the Enforcement Division has decided to close this case with a warning letter because the committee had less than \$2,000 of activity for the pre-election statement periods, you were unsuccessful in the general election, you had a low level of experience with campaign finance reporting and acted as the Committee’s treasurer, and you and the Committee have no prior history of violating the Act. 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 action within their discretion to decrease the Division’s annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁸ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁹ This resolution may not be used as a comparable case for other enforcement matters.¹⁰

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, you are still required to file all outstanding campaign finance report amendments with the Secretary of State’s office.

⁴ Section 84200.5(a)(1); 85200.8 and 84211.

⁵ Section 83116.5; 91006.

⁶ Section 82013(a).

⁷ Section 84101.

⁸ <https://www.fppc.ca.gov/content/dam/fppc/NS/Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁹ Regulation 18360.1 and 18360.3.

¹⁰ See Regulation 18361.5, subdivision (e)(3).

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.

Please feel free to contact me at 279-237-3766 or cfelkins@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Michael C. Felkins

Michael C. Felkins, Commission Counsel
Enforcement Division