



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

May 27, 2021

Lance H. Olson  
Olson Remcho, LLP  
o/b/o Committee to Re-Elect Gina Clayton-Tarvin for Ocean View School District School Board  
2016, Gina Clayton-Tarvin, and Mark Bixby  
555 Capitol Mall, Suite 400  
Sacramento, CA 95814  
Via Email: lance@olsonhagel.com

**Warning Letter Re: FPPC No. 2020-00753, Committee to Re-Elect Gina Clayton-Tarvin for Ocean View School District School Board 2016, Gina Clayton-Tarvin, and Mark Bixby**

Dear Mr. Olson:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is a result of a pro-active investigation begun against your client Gina Clayton-Tarvin.

The Enforcement Division has completed review of the facts in this case. Specifically, we found that Gina Clayton-Tarvin was a successful incumbent candidate for the Ocean View School District Board in the November 8, 2016 General Election. In connection with the November 8, 2016 General Election, Ocean View Teachers Association PAC (“OVTA”), a local general purpose committee, made four non-monetary contributions, totaling \$4,949, to Gina Clayton-Tarvin. As a result, Gina Clayton-Tarvin qualified as a recipient committee on or around October 25, 2016.

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, commonly known as a “recipient committee.”<sup>2</sup> After a committee qualifies as a recipient committee, the committee shall file an original statement of organization with the Secretary of Statement 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.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> Section 82013, subd. (a).

<sup>3</sup> Section 84101.

The Act requires a committee to file two 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>4</sup> Each committee that receives a late contribution shall report the late contribution within 24 hours of the time it is received.<sup>5</sup> A “late contribution” is a contribution that totals in the aggregate \$1,000 or more and is made to or received by a controlled committee during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate is to be voted on.<sup>6</sup>

Committee to Re-Elect Gina Clayton-Tarvin for Ocean View School District School Board 2016 (the “Committee”), Gina Clayton-Tarvin, and Mark Bixby violated the Act by failing to timely file a statement of organization within 10 days after qualifying as a recipient committee on or around October 25, 2016. The Committee, Gina Clayton-Tarvin, and Mark Bixby also violated the Act by failing to timely file a late contribution report for two non-monetary late contributions of \$1,616 and \$3,158 received on October 25, 2016, and failing to timely file a semi-annual campaign statement for the reporting period ending on December 31, 2016. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because the Committee, Gina Clayton-Tarvin, and Mark Bixby filed the required statements of organization and campaign statements after being contacted by the Enforcement Division. Additionally, in 2016, OVTA reported the payments in question as independent expenditures supporting the candidate, not non-monetary contributions made to the candidate. Furthermore, as a candidate listed on the November 8, 2016 General Election ballot, Gina Clayton-Tarvin timely filed an officeholder and candidate campaign statement (Form 470). Finally, the Respondents do not have a history of violating the Act.

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 yourself of these proceedings by requesting that your case proceed with prosecution rather

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<sup>4</sup> Section 84200, subd. (a).

<sup>5</sup> Section 84203, subdivision (a).

<sup>6</sup> Section 82036, subdivision (a).

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 need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Please feel free to contact Dominika Wojenska at [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) or (916) 322-2043 with any questions you may have regarding this letter.

Sincerely,

*Angela J. Brereton*

Angela J. Brereton, Chief  
Enforcement Division

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