



FAIR POLITICAL PRACTICES COMMISSION

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(916) 322 5660 • Fax (916) 322 0886

December 27, 2013

Andrew Valencia

Friends of Andrew Valencia for South Bay Irrigation District #5

REDACTED

RE: Warning Letter

FPPC Case No. 13/183: Andrew Valencia; Friends of Andrew Valencia for South Bay Irrigation District #5

Dear Mr. Valencia:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),¹ found in Government Code Section 81000, et seq. This letter is in response to a non-filer referral from your filing officer that alleged you failed to file campaign disclosure statements and a statement of economic interests.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee failed to file a preelection campaign statement by the January 31, 2013 deadline and a Leaving Office Statement of Economic Interests (“SEI”) within 30 days of leaving your position as a Sweetwater Community Planning Group Member.

The Act requires that candidates and their committees file campaign statements at periodic intervals, and provides that elected officers, candidates, and committees shall file preelection statements. (Section 84200.5.)

Additionally, the Act requires every state and local agency to develop a Conflict-of-Interest Code. This code requires persons involved in the making, or participation in the making, of decisions which may foreseeably have a material financial effect on any financial interest belonging to that person to disclose reportable interests. Each newly designated

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

employee shall file an Assuming Office SEI within 30 days after assuming office. Throughout the duration of holding that position, each designated employee shall file an Annual SEI at the time specified in the code. Lastly, every designated employee who leaves the position shall file a Leaving Office SEI within 30 days of leaving office. (Section 87300.)

Your actions violated the Act because you failed to file the preelection statement and the Leaving Office SEI by their respective deadlines. However, because you did not have an open committee, and you are no longer in office, we are closing this matter with a warning letter.

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 FPPC case resolution without administrative prosecution or fine. 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 Fair Political Practices 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 FPPC 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 FPPC's website ten (10) days from the date of this letter.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.)

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Teri Rindahl at (916) 327-2018, with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/tr