



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

January 28, 2013

✓ Andrew Valencia
Friends of Andrew Valencia for South Bay Irrigation District #5

REDACTED

Re: Warning Letter
FPPC No. 12/814: Friends of Andrew Valencia for South Bay Irrigation District #5; and Andrew Valencia

Dear Mr. Valencia:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a non-filer referral that alleged you failed to file two campaign disclosure statements and a Candidate Statement of Economic Interests, Form 700, in connection with the November 6, 2012 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee failed to file two pre-election campaign statements for the periods covering July 1, 2012 through September 30, 2012, due October 5, 2012, and October 1, 2012 through October 20, 2012 due by October 25, 2012 by their respective deadlines.

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

In addition, the Act requires every candidate for elective office that is designated in a conflict-of-interest code, shall file a statement disclosing their investments, business positions, interests in real property, and income received, as enumerated in the disclosure requirements for that position. (Section 87302.3.)

Your actions violated the Act because you failed to file the pre-election and candidate statements by the specified deadline. You must immediately file these campaign statements with the County of San Diego Registrar of Voters.

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.

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. However, because you no longer hold office, and you do not have any funds in your committee, we are closing this matter with a warning letter.

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.

You are obligated to continue filing campaign statements until you officially terminate your committee. If your committee is no longer active, you may want to terminate your committee at this time as well. Failure to do so is a violation of the Act. Please be advised that after every filing deadline, your local filing officer will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention. In addition, starting January 1, 2013, all committees will be required to pay an annual fee of \$50 to the Secretary of State for maintenance of the computer system and the fee is paid until such time as the committee terminates. (Section 84101.5(a).)

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.

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Gary S. Winuk, Chief
Enforcement Division

GSW/tr

cc: County of San Diego Registrar of Voters