



## FAIR POLITICAL PRACTICES COMMISSION

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March 5, 2014

Barrett Garcia, Treasurer  
Rocky Chavez for Assembly 2012 (1339550)

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### Warning Letter Re: FPPC Case No. 140101; Rocky Chavez / Rocky Chavez for Assembly 2012

Dear Mr. Garcia:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to an audit report referred to us by the Franchise Tax Board. The audit covered the period January 1, 2011 through December 31, 2012. A copy of the audit report is enclosed for your information.

The audit found that \$5,000 Reports were not filed for three contributions received totaling \$51,800 and an Election Cycle Report (ECR) was not filed for a \$1,000 contribution received. Section 85309 of the Act requires that ECRs be filed when a contribution of \$1,000 or more is received during an election cycle and also requires that \$5,000 Reports be filed when a contribution of \$5,000 or more is received at any time other than during an election cycle.

Of the amount not reported on \$5,000 Reports, \$44,000 were loans from the candidate that were reported on a semi-annual campaign statement filed within about two weeks of when the \$5,000 Reports were required to be filed. ECRs were filed for 57 contributions received totaling \$111,299. Therefore, we have decided to close this case 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.

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<sup>1</sup> 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.

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 FPPC. 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.

Please feel free to contact Program Specialist Robert Perna with any questions you may have regarding this letter.

Sincerely,

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Gary S. Winuk  
Chief, Enforcement Division

Enclosure