



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

April 6, 2015

Mr. Theodore Alejandre  
Alejandre for Superintendent 2014



RE: Warning Letter ✓  
**FPPC No. 14/188, Theodore Alejandre, Alejandre for Superintendent 2014,  
Richard De Nava, Treasurer**

Dear Mr. Alejandre:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”) found in Government Code Section 81000, and following. Section 83123.5 was added to the Act to allow the Commission to have primary responsibility for the impartial administration, implementation, and enforcement of the County of San Bernardino Campaign Finance Reform Ordinance (the “Ordinance”). The Commission is authorized to be the civil prosecutor of the Ordinance. The Commission and the County of San Bernardino entered into a contract for these services effective for the term of January 1, 2013 through December 31, 2014. Under this contract, the Commission agreed to audit each candidate campaign committee for elected county offices to detect violations of the Act and the Ordinance. As you may be aware, the Enforcement Division conducted an audit of your candidate controlled committee (“Committee”). The Enforcement Division has decided to close this case with this warning letter.

The Committee reported \$128,435 in contributions and \$93,346 in expenditures from January 1, 2013 through June 30, 2014. Specifically, we found that the that the Committee received and deposited into the campaign bank account at least \$10,000 by January 25, 2014, meeting the threshold to trigger electronic filing requirements, but that the Committee did not file electronic statements of the periods ending March 17, 2014, May 17, 2014 and June 30, 2014. Campaign statements were timely filed in paper format, and these statements were made available on line as scanned copies on San Bernardino County’s E-Filing System. Five 24 hour reports were not filed electronically to disclose five contributions totaling \$9,000 received within the 90 days prior to the 2014 Primary Election. The reports were timely filed in paper format, and these reports were made available on line as scanned copies on San Bernardino County’s E-Filing System. San Bernardino County Ordinance § 12.4311 requires electronic filing for any candidate and the candidate's controlled committee that raises or spends at least \$10,000.

Also, on or about February 5, 2014, a Money Order in the amount of \$100 and on or about February 25, 2014, Cashier's check in the amount of \$250 were received and deposited into the campaign bank account. Both contributions were properly reported on campaign statements. Section 84300, subdivision (c), provides, in relevant part, that no contribution of \$100 or more, shall be made unless in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor. After contact by the Commission, the Committee issued refund checks to both contributors.

We determined that further enforcement action was not warranted since there was minimal public harm, scanned copies of campaign statements were made available electronically, and you have no prior enforcement history.

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. 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 with any questions you may have regarding this letter.

Sincerely,

A solid black rectangular box redacting the signature of Zachary W. Norton.

Zachary W. Norton  
Commission Counsel  
Enforcement Division