



FAIR POLITICAL PRACTICES COMMISSION

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May 1, 2012

Francisco Rivero
Rivero for Sheriff 2010

REDACTED

✓ Jonathan Meyer, Treasurer
Rivero for Sheriff 2010

REDACTED

**Warning Letter Re: FPPC Case No. 11/1120; Francisco Rivero, Rivero for Sheriff 2010,
and Treasurer Jonathan Meyer**

Dear Mr. Rivero and Mr. Meyer:

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 second complaint filed against you that alleged your committee, Rivero for Sheriff 2010, had filed several campaign reports with inaccuracies.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee, Rivero for Sheriff 2010, made various accounting errors on 7 campaign reports covering the periods from December 4, 2009, through June 30, 2011, as well as omitting to disclose two contributions of \$1,000. The accounting errors primarily manifested in beginning and ending cash balances being inaccurate and loans to the committee disclosed inaccurately.

The Act provides that a committee's failing to accurately disclose the required information on its campaign reports is a violation. Specifically, the Act requires candidates and their controlled

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.

committees to file periodic reports disclosing contributions received and expenditures made. Section 84211, in pertinent part, requires a campaign statement to contain itemized documentation of contributions received of \$100 or more during the period as well as itemized reporting of loans received during the reporting period. (GC §§ 84211 (d) and (g).) Section 84211 also requires that the campaign statement accurately disclose cumulative totals for the period covered by the statement. (GC §§ 84211 (a) through (d).) These cumulative totals are recorded on the statement's summary page. Your actions violated the Act because your disclosure of contributions, loans and your disclosure of cumulative totals were inaccurate. For the following reasons, however, we have decided to close this case with a warning letter: you did not appear to be avoiding disclosure, you have since terminated the committee, the inaccuracies appear to be inadvertent mistakes, you have spent considerable time working with the FPPC's Enforcement Division to amend the reports to correct the errors, and, most importantly, because the committee's treasurer has been documented as medically incapacitated during the periods covered by the inaccurately filed reports.

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.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-5660.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW:ak

cc: Stacy Barker