



FAIR POLITICAL PRACTICES COMMISSION

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July 20, 2012

Mr. Ricardo Benitez
Committee to Elect Ricardo Benitez
for Assembly 2012

REDACTED

Warning Letter Re: FPPC No. 12/431; Committee to Elect Ricardo Benitez for Assembly;
Ricardo Benitez, Respondent(s)

Dear Mr. Benitez:

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 referral from the Los Angeles County Registrar-Recorder that alleged you have failed to file copies of your campaign statements with that office.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you filed a pre-election campaign statement (Form 460) with the Office of the Secretary of State on May 26, 2012, but that the statement was not also filed with the Los Angeles County Registrar-Recorder. We found that you also failed to file a pre-election statement for the period March 18, 2012 through May 19, 2012 with either the Office of the Secretary of State or the Los Angeles County Registrar-Recorder which was due on May 24, 2012. Please note that you also have a campaign statement due July 31, 2012 for the period May 20, 2012 through June 30, 2012.

The Act requires that candidates and their committees file campaign statements at periodic intervals. Specifically, the Act provides that candidates and their committees shall file pre-election statements in connection with their respective election and semiannual statements on July 31 and January 31 of each year reporting activity for the prior six month period. (Gov.

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.

Code §§ 84200/84200.5.) Additionally, you would continue to file campaign statements until you terminate your committee.

Your actions violated the Act because you failed to file your first pre-election statement with the Los Angeles County Registrar-Recorder and also failed to file your second pre-election statement with either the Office of the Secretary of State or the Los Angeles County Registrar-Recorder. Since it does not appear that you had significant activity during the period covered by your first pre-election statement, and you were defeated in the election, we are closing our file on this matter.

You must immediately file your delinquent campaign statements with both the Office of the Secretary of State and the Los Angeles County Registrar-Recorder. You may want to consider terminating your campaign committee at this time as well. You retain an obligation to file until you close your committee.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Los Angeles County Registrar-Recorder