



FAIR POLITICAL PRACTICES COMMISSION

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

916/322-5600 • Fax: 916/322-0886

September 10, 2012

✓ Dolores Lucero

REDACTED

Re: **Warning Letter Re: FPPC Case No. 12/379; Dolores Lucero, Dolores Lucero SCCEFJ, and Dolores Lucero, Treasurer**

Dear Ms. Lucero:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a sworn complaint that alleged you have failed to organize as a committee and file your committee's semiannual campaign disclosure statements for the first half of 2012 when you spent more than \$1,000 of your own money to file a lawsuit in order to file a recall.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file the statement of organization and a semiannual campaign disclosure statement by the August 31, 2012, deadline.

The Act requires that a candidate organize as a committee after spending or receiving \$1,000 in contributions and expenditures and that the committee file campaign statements at periodic intervals disclosing the contributions and expenditures. Specifically the Act provides that elected officers and candidates shall file a Statement of Organization upon receiving \$1,000 or more in contributions, including those made from personal funds to their own committee, as well as semiannual statements covering the periods up to the point of terminating the committee. (GC §§ 84101 and 84200.) The terms "contribution" and "expenditure" are defined as any payment that is received by or made at the behest of a candidate, without full and adequate consideration, unless "it is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office." (GC §§ 82015(b)(2)(B) and 82025; Regulation 18225(a)(2)(A) and (B); and *In re Buchanan* (1979) 5 FPPC Ops. 14.)

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.

Your actions violated the Act when, as a Shasta Lake council member, you spent more than \$1,000 of your own money to hire an attorney to file a lawsuit intended to stop your April 2012 recall but failed to open a committee and then file a campaign statement disclosing the contribution and expenditure.

However, because when notified of your filing obligations, you filed promptly and because you have no prior violations, we are closing this case with a warning letter. 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.

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. 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 or visit our website at www.fppc.ca.gov. Please feel free to contact Adrienne Korchmaros at (916) 322-5662 with any questions you may have regarding this letter.

Sincerely,

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Gary S. Winuk
Chief, Enforcement Division

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cc: Kay Kobe