FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

April 26, 2011

Mr. Rick Avila
Rick Avila for City Council 2007
REDACTED

Ms. Gail Fry
Rick Avila for City Council 2007
REDACTED

Warning Letter Re: FPPC No. 11/0293; Rick Avila for City Council 2007; Rick Avila; Gail Fry, Treasurer

Dear Mr. Avila and Ms. Fry:

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 referral from your local filing officer that alleged you failed to file your committee's semiannual campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file semiannual campaign statements for the following period(s):

– July 1, 2009 through December 31, 2009 (Due February 1, 2010)
– January 1, 2010 through June 30, 2010 (Due August 2, 2010)
– July 1, 2009 through December 31, 2009 (Due February 1, 2010)

Section 84200 of the Act provides that elected officers, candidates, and committees shall file semiannual campaign statements.

Your actions violated the Act because you failed to file the aforementioned campaign statement(s) by the specified deadlines. However, since you were not successful in your campaign and your committee appears to be inactive, we are closing your case with this 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.

[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.

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.

Although the FPPC is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements with the San Bernardino City Clerk and continue filing them until you officially terminate your committee. You will be responsible for any late filing fees assessed by your filing officer. (§ 91013.)

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.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need any of these publications, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (866) 275-3772 or visit our website at www.fppc.ca.gov.

Should you have any questions regarding this letter, contact Jeanette E. Turvill at (916) 322-8194.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Rachel Clark, City Clerk, San Bernardino City Clerk

GSW:JT:tf