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

July 21, 2011

Mayra Sevilla
Sevilla for El Rio Board of Trustee Committee
REDACTED

Warning Letter Re: FPPC Case No. 11/435, Mayra Sevilla, Sevilla for El Rio Board of Trustee Committee, and Mayra Sevilla, Treasurer

Dear Ms. Sevilla:

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 filed against you that made allegations that your second preelection report was filed after the election and that your Schedule B for disclosing loans received during the period was not completed correctly.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file the second preelection report (Form 460), required to be filed prior to the election, until after the election and that the report's Schedule B for disclosing loans received during the period was not completed correctly.

The Act requires that a candidate's committee files campaign statements on specified dates prior to an election so that the public may see the candidate's activity prior to the election. Specifically, the Act requires that prior to a November 2 election in an even-numbered year, local candidates with committees must file a pre-election report due October 21. (G.C. §§ 84200.5 and 84200.7.) Your pre-election report due October 21, 2010, was filed on January 21, 2011. Further,

[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.

on Schedule B, Loans Received, of the pre-election report you are required to disclose the original date and amount of the loan, the interest rate of the loan, and the cumulative amount of contributions from the source of the loan. (G. C. § 84211(g).) Your Schedule B omitted this information.

Your actions violated the Act because you failed to file the preelection statement by the specified deadline and failed to accurately complete the Schedule B – Loans Received schedule. However, because you have no prior violations of the Act and because you filed the preelection statement prior to any contact from the FPPC's Enforcement Division and completed most of the Schedule B – Loans Received schedule on the Form 460, 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. 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.

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 our website at www.fppc.ca.gov. Please feel free to contact Adrianne Korchmaros at (916) 322-8241 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: Tim Blaylock