FAIR POLITICAL PRACTICES COMMISSION
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July 21, 2011

Jessica Duran, Treasurer
Committee to Reform Rio Supporting Macias, Rodriguez, Torres & Sevilla for Rio School Board 2010/Major Funding from FTR Int'l, Inc.
REDACTED

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Warning Letter Re: FPPC Case Nos. 11/429 and 11/434, Committee to Reform Rio Supporting Macias, Rodriguez, Torres & Sevilla for Rio School Board 2010/Major Funding from FTR Int'l, Inc., and Jessica Duran, Treasurer

Dear Ms. Duran:

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 sworn complaints filed against you that made several allegations, none of which proved to be violations of the Act. However, in reviewing the statements filed by your committee, it became apparent that the committee had omitted certain campaign filings.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file Supplemental Independent Expenditure Reports (Form 465) and Late Independent Expenditure Reports (Form 496 for Local Filers).

[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.

The Act requires that recipient committees file certain campaign statements when making independent expenditures. Specifically the Act requires that if a committee has made independent expenditures totaling $1,000 or more in a calendar year to support or oppose candidate, it must file the Form 465 at the same time, covering the same periods, and in the places where the candidate or committee would be required to file campaign statements. (GC § 84203.5.) Your committee made independent expenditures at a cost of $2075.36 per candidate to support four candidates on October 18, 2010 who were running in the November 2, 2010 election, but failed to file the Form 465 for each candidate by the January 31, 2011 deadline. Further, a "late independent expenditure" is any independent expenditure that totals in the aggregate $1,000 or more and is made for or against any specific candidate involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a committee participating in the election. (GC §§ 82036.5 and 84204.) Although your committee's independent expenditures made on October 18, 2010 occurred in the "late independent expenditure period," October 17, 2010 through November 1, 2010, the committee failed to file the Form 496 for each candidate supported.

Your actions violated the Act because you failed to file the independent expenditure statements, both the Forms 465 and 496, by the specified deadlines. However, because you have no prior violations of the Act and because you reported the independent expenditures on your regular campaign reports, 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 visit 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 and Mike Barber