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

August 12, 2011

Ms. Mayra Sevilla
Sevilla for El Rio Board of Trustee Committee
REDACTED

Advisory Letter
Re: FPPC No. 11/647, Committee to Reform Rio Supporting Macias, Rodriguez, Torres & Sevilla for Rio School Board 2010/Major Funding from FTR Int'l, Inc.; Sevilla for El Rio Board of Trustee Committee, Mayra Sevilla.

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 complaint filed against the Committee to Reform Rio Supporting Macias, Rodriguez, Torres & Sevilla for Rio School Board 2010/Major Funding from FTR Int'l, Inc.("Committee to Reform Rio") and the Sevilla for El Rio Board of Trustee Committee, that alleged some discrepancies between the Committee to Reform Rio and your campaign. After review of the complaint, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The FPPC has completed its investigation of the facts in this case, and upon review of the statements filed by your committee, it became apparent that campaign statements contained some errors. On October 13, 2010, you filed a pre-election statement for the period covering August 2010 through November 2010. The period covered by this pre-election statement should have been either January 1, 2010 through September 30, 2010, or July 1, 2010 through September 30, 2010 depending on whether or not a previous statement had been filed. (See the FPPC's filing schedule for the November 2, 2010 election.) An amendment is needed to correctly reflect this information.

Furthermore, according to our initial review, you received loans totaling $1,300 from the Committee to Reform Rio. On or about September 27, 2010, you received a monetary loan of $500. Then on or about October 13, 2010, you received a non-monetary loan of $800, in the form of a payment to a vendor for the purchase of campaign signs. However, a review of your campaign

[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.

statements indicated the $500 loan was reported as a contribution, and the $800 was reported as a payment to a vendor.

While you did report repayment of the $1,300 loan, the initial way it the loans were reported, gave the public the appearance you had received $500 more than the original $1,300 loan you received. The correct schedule to report the $500 and $800 loans was on Schedule B-Loans Received. Additionally, the $800 payment to the vendor should have also been reported on Schedule G-Payments Made by an Agent or Independent Contractor (on Behalf of this Committee) instead of Schedule E-Payments Made. This would correctly reflect the $800 payment made by the Committee to Reform Rio to the vendor. You can also footnote the entry to indicate the payment was a loan.

Please note that it is the duty of each candidate and treasurer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, and to establish that campaign statements were properly filed. (Section 84104.) As the candidate, you are responsible for the accuracy of the committee's statements. Failure to do so in the future could result in a violation of the Act.

We have determined that an enforcement action for a violation is not warranted, because while the information was disclosed on the wrong schedules, the information was disclosed and made available to the public. Nevertheless, although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained, and may be used against you, should an enforcement action become necessary, based on future conduct and/or newly discovered information.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916.327.2018.

Sincerely,
REDACTED

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr

Cc: Mr. Tim Blaylock