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

October 26, 2011

Mr. Daniel Juarez
Committee to Elect Daniel Juarez
Juarez for Mayor 2011

REDACTED

Mr. Henry Lopez
Treasurer
Committee to Elect Daniel Juarez
Juarez for Mayor 2011

REDACTED

Warning Letter Re: FPPC No. 11/955 Daniel Juarez, Committee to Elect Daniel Juarez, Juarez for Mayor 2011, and Henry Lopez, Treasurer

Dear Messrs. Juarez and Lopez:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged you failed to open a separate committee and bank account for your mayoral campaign. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act when you redesignated your city council committee and campaign bank account for your election for mayor in the City of Hawthorne's November 2011 election.

Section 85201 of the Act requires all campaign expenditures to be made from a campaign account and all contributions or loans made to the candidate are to be deposited in the account. Therefore, a candidate for elective office may have only one campaign bank account and one controlled committee for each specific office to which he seeks election. Furthermore, regulation 18521 states a

[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.

local candidate may redesignate a campaign committee and campaign bank account for re-election to the same office at a future date if the candidate is running for a local office as long as certain conditions are met. Specifically, subdivision (b)(1) of regulation 18521 allows for redesignation as long as the future election is for the same elective office.

Your actions violated the Act because the City of Hawthorne has specific elections for mayor and for city council, and therefore, you were prohibited from redesignating your city council campaign and bank account to your mayoral campaign. However, because you immediately opened a new committee and bank account once you realized your errors, and the fact that you do not have an enforcement history, we are closing this matter with a warning letter.

This letter serves as a written warning. 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.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr

cc: Patrick Furey