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

November 18, 2009

Eve Acosta
Eve Acosta for Rio School Board

REDACTED

Reinaldo Acosta, Treasurer
Eve Acosta for Rio School Board

REDACTED

Re: Warning Letter
FPPC No. 06/841

Dear Mr. and Ms. Acosta:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").[1] During the course of an investigation into the Rio School District recall election of August 22, 2006, we discovered that your committee, Eve Acosta for Rio School Board committee (the "Committee"), committed two violations of the Act.

Specifically, we found that you did not timely file a pre-election campaign statement and incorrectly reported a loan. With regard to the pre-election campaign statement, we found that even though the due date for the pre-election reporting period ending August 5, 2006 was August 10, 2006, you did not file this statement until October 4, 2006. Committees are required to file pre-election statements as specified in Sections 84200.5 through 84200.8. By not timely filing this campaign statement, you violated the Act.

[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.

In addition, with regard to the reporting of the loan, you reported receiving a loan of $1,500 on October 27, 2004, but then did not report the outstanding loan on any subsequent campaign statements. You reported the loan only one additional time, when it was paid in late 2006. The Act provides in Section 84211, subdivision (g), that if a loan is outstanding during the period covered by the campaign statement, a multitude of information must be reported, including the name of the person who loaned the money, the person's street address, occupation, employer, and information regarding the loan itself.[2] Your actions violated the Act because you failed to report the above mentioned loan information on each campaign statement after your initial receipt of the loan in 2004 to when you reported the loan as paid in full in 2006.

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 me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Galena West
Senior Commission Counsel
Enforcement Division

[2] This information includes the original date and amount of the loan, the due date and interest rate, the cumulative payment made or received to date at the end of the reporting period, the balance outstanding at the end of the reporting period, and the cumulative amount of contributions from that person. (Section 84211, subdivisions (g)(5) – (9).