



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

August 19, 2022

Eliseo Gamino for 2022 Superintendent of Schools

Eliseo Gamino

Victor Martinez, Treasurer



Warning Letter Re: FPPC No. 2020-00475; Eliseo Gamino for 2022 Superintendent of Schools

Dear Mr. Gamino, Mr. Martinez, and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, in response to the Enforcement Division's pre-election outreach program, we were made aware by the County of Fresno that you failed to timely file both pre-election campaign statements in connection with the June 7, 2022 election. The Enforcement Division has completed its review of the matter and found that you failed to timely file both pre-election campaign statements and a 24-Hour Contribution Report (Form 497) by their respective due dates.

The Act requires candidate-controlled committees to file two pre-election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

You violated the Act by failing to timely file both pre-election campaign statements and a 24-Hour Contribution Report by the applicable deadlines. A streamline stipulation was approved for the 24-Hour Contribution Report. The violations for failing to timely file the pre-election campaign

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Sections 84200.5 and 84200.

³ Sections 83116.5 and 91006.

statements for the periods covering January 1, 2022 through April 23, 2022, and April 24, 2022 through May 21, 2022, are being resolved with this warning letter rather than a fine for the following reasons: You were referred as part of the proactive pre-election program; you filed the pre-election campaign statements immediately after you were contacted by the Enforcement Division; you filed both pre-election campaign statements before the election; you were an unsuccessful candidate; and you have no history of violating the Act. Please note that while the Enforcement Division is closing this matter without a fine, your filing officer may assess late filing penalties.

Please note that while the Enforcement Division is closing this matter without a fine, your filing officer, the County of Fresno, may assess late filing penalties. 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 Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

Please feel free to contact Tara Stock at tstock@fppc.ca.gov or (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:ts