



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

November 21, 2022

Erika D. Gutierrez
Candidate, Magnolia Union Elementary School District
[REDACTED]

Warning Letter Re: FPPC No. 2022-00864; Erika D. Gutierrez

Dear Erika D. Gutierrez:

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 Imperial County Registrar of Voters that you failed to timely file a pre-election campaign statement in connection with the November 8, 2022 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the pre-election campaign statement.

The Act requires candidates who do not have an open committee and do not plan to raise or spend \$2,000 or more in connection with the applicable election to file Form 470 (Campaign Statement – Short Form) covering the entire calendar year by the deadline for the first pre-election campaign statement.²

You violated the Act because you failed to file your Form 470 by September 29, 2022, the deadline to file the first pre-election campaign statement. But, for the following reasons, the Enforcement Division has decided to close your case with a warning letter rather than a fine: You were referred as part of the proactive pre-election outreach program; you filed your Form 470 immediately after you were contacted by the Enforcement Division; you filed it before the election; and, you have not had a prior violation of this section. Please note that while the Enforcement Division is closing this matter without a fine, your filing officer 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.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014 and all statutory references are to this code.

² Sections 84200.5 and 84206.

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 Vanessa Greer at vgreer@fppc.ca.gov or 916-322-2043 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB: vg