



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

July 21, 2023

A Farias 4 School Board
Armando Farias
[REDACTED]

Warning Letter re: FPPC No. 2023-00027; Armando Farias, A Farias 4 School Board

Dear Committee and Armando Farias:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, as part of the proactive pre-election outreach program, we were made aware by the San Diego County Registrar of Voters that you and your committee, A Farias 4 School Board, failed to timely file a pre-election campaign statement in connection with the November 8, 2022 election. The Enforcement Division has completed its review and found that you failed to timely file the second pre-election campaign statement, failed to file three 24-Hour Reports (Form 497), and failed to file an Initial Statement of Organization (Form 410) and a terminating Form 410.

Under the Act, candidate-controlled committees must file two pre-election campaign statements in connection with the applicable election, as well as semi-annual campaign statements until the committee terminates.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Additionally, the Act requires candidate-controlled committees that receive a late contribution to file a Form 497 within 24 hours of receiving the contribution.³ A “late contribution” is a contribution(s) aggregating \$1,000 or more received by a candidate-controlled committee from a single source within 90 days before the date of the election, or on the date of the election, in which the candidate is to be voted on.⁴ The Act also requires candidates to file Form 410 to establish a candidate-controlled committee within 10 days of meeting the \$2,000 committee qualification threshold. For local candidate-controlled committees, the original Form 410 must be filed with the Secretary of State and a copy must be

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Sections 84200 and 84200.5.

³ Section 84203.

⁴ Section 82036.

filed with the local filing officer.⁵ Candidate-controlled committees must also file a Form 410 to terminate the committee.⁶

You violated the Act by failing to file an Initial Form 410 with the Secretary of State to establish a candidate-controlled committee, and failing to file a terminating Form 410. Additionally, you failed to timely file the second pre-election campaign statement for the period covering September 25, 2022 through October 22, 2022, by the October 27, 2022 deadline, and failed to file three 24-Hour Reports as a result of contributions received which totaled \$1,000 or more during the 90-day period before the election. However, the Enforcement Division has decided to resolve this case with a warning letter rather than a fine for the following reasons: you were referred as part of the pre-election outreach program, you filed an Initial Form 410 with the County, you filed both pre-election statements before the election, the amount of contributions received and expenditures made in connection with the applicable election were relatively low, each of the contributions that triggered 24-hour reporting barely met the \$1,000 threshold, you were an unsuccessful candidate, and you have no prior Enforcement history. Please note that, although we are closing this matter with a warning letter, you are still required to file a Form 410 to establish your committee and a Form 410 to terminate the committee with the Secretary of State.

Please note that while the Enforcement Division is closing this matter without a fine, your filing officer, the San Diego County Registrar of Voters, 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.

⁵ Section 84101.

⁶ Regulation 18404.

Please feel free to contact Amber Rodriguez at arodriguez@fppc.ca.gov or (916) 322-1198 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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