



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

December 19, 2022

Arnold Hernandez
Candidate, Mountain View School District
[REDACTED]

Warning Letter Re: FPPC No. 2022-00987; Arnold Hernandez

Dear Mr. Hernandez,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you know, in response to the Enforcement Division’s pre-election outreach program, we were made aware by the Los Angeles County Registrar-Recorder/County Clerk that you failed to timely file a pre-election campaign statement in connection with the November 8, 2022 election. Additionally, the Clerk alleged that you failed to timely file your Candidate Statement of Economic Interests (“SEI”). The Enforcement Division has completed its review of the facts in this case, and we found that you failed to timely file both the first pre-election campaign statement and your Candidate SEI.

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 Additionally, the Act requires a candidate for office that is designated in a conflict of interest code to file a Candidate SEI that discloses their investments, business positions, interests in real property, and income received during the previous 12 months.³ The Candidate SEI must be filed with the election official with whom the candidate’s declaration of candidacy or other nomination documents to appear on the ballot are required to be filed. And the SEI must be filed no later than the deadline for the declaration of candidacy.⁴

You violated the Act because you failed to file your Form 470 by the September 29, 2022 deadline, and failed to file your Candidate SEI by the August 12, 2022 deadline. 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

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.

³ Section 87302.3

⁴ *Ibid*

filed your Form 470 and Candidate SEI immediately after you were contacted by the Enforcement Division; you filed both items before the election; you were an unsuccessful candidate; 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.

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 Ginny Brown at gbrown@fppc.ca.gov or 916-322-8064 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:gab

cc: Los Angeles County