



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

November 22, 2022

Committee to Re-Elect Cardenas for Imperial Irrigation District 2022 – Division 1
Alex Cardenas, Candidate
Karina Alvarez, Treasurer
[REDACTED]

Warning Letter Re: FPPC No. 2022-00408; Committee to Re-Elect Cardenas for Imperial Irrigation District 2022 – Division 1

Dear Mr. Cardenas, Ms. Alvarez, & Committee to Re-Elect Cardenas for Imperial Irrigation District 2022 – Division 1:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a complaint filed against you and the Committee to Re-Elect Cardenas for Imperial Irrigation District 2022 – Division 1 (the “Committee”) that alleged, in part, that the Committee did not file 24-Hour Contribution Reports (Form 497) to disclose contributions received of \$1,000 or more in advance of the June 7, 2022 primary election.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that prior to the June 7, 2022 election, you and the Committee timely mailed eleven of its Form 497s for filing with the Secretary of State, but did not file the Form 497s with the required local jurisdiction (Imperial County Registrar of Voters) as required by the Act.

A “late contribution” is a contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election which the candidate or measure is to be voted on.² A candidate controlled committee that receives a late contribution must report the late contribution to each office with which the candidate

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 Section 82036

controlled committee is required to file its campaign statements pursuant to Section 84215.³ Since Mr. Cardenas was a candidate for office in Imperial County, you and the Committee were required to file Form 497s with the Imperial County Registrar of Voters.

Your and the Committee's actions violated the Act because you failed to file eleven Form 497s with the Imperial County Registrar of Voters. However, mitigating evidence exists such that the Enforcement Division has decided to issue this warning letter rather than a fine: prior to receipt of the complaint, you and the Committee prepared and timely mailed all Form 497s to the Secretary of State; you and the Committee timely reported the late contributions on pre-election campaign statements filed with the Imperial County ROV; and you and the Committee have no prior history of violating this section of the Act. Finally, we note that separate violations regarding late reporting of contributor information and expenditure activity were resolved via a streamline settlement approved at the November 17, 2022 Commission meeting.

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.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

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³ Section 84203

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

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB/gab