



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

August 18, 2023

Ana Diaz for Roseland School Board 2022

Ana Diaz

Lisset Rico-Caballero, Treasurer



**Warning Letter Re: FPPC No. 2023-00174; Ana Diaz for Roseland School Board 2022,
Diaz, Rico-Caballero**

Dear Ms. Diaz, Ms. Rico-Caballero, 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 Sonoma that you failed to timely file the second pre-election campaign statement in connection with the November 8, 2022 election. We also received a referral from the County of Sonoma regarding your failure to timely file the semi-annual campaign statement for the period ending December 31, 2022. The Enforcement Division has completed its review of this matter and found that you failed to timely file the second pre-election campaign statement and the semi-annual campaign statement for the period ending December 31, 2022. Additionally, we found that you failed to file a Form 470 Supplement and a 24-Hour Contribution Report (Form 497).

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

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.

The Act allows 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.⁴ A candidate who files a Form 470 and thereafter meets the \$2,000 committee qualification threshold must send written notification (Form 470 Supplement) to the Secretary of State, the local filing officer, and each candidate for the same office within 48 hours of receiving or spending \$2,000 or more.⁵

Additionally, the Act requires candidate-controlled committees to file Form 497 if the committee receives a contribution(s) totaling \$1,000 or more from a single source during the 90 days preceding the applicable election or on the date of the election.⁶ For an-kind contribution received, Form 497 is considered timely filed if it is filed within 48 hours.⁷

You violated the Act by failing to timely the pre-election campaign statement covering the period of September 25, 2022 through October 22, 2022, by the October 27, 2022 deadline, and failing to timely file the semi-annual campaign statement covering the period of October 23, 2022 through December 31, 2022, by the January 31, 2023 deadline. You also failed to file a Form 470 Supplement and a Form 497 for a non-monetary contribution you received on November 5, 2022. A streamline stipulation was approved for the Form 497 violation.

The violations for failing to timely file the pre-election campaign statement, the semi-annual campaign statement, and the Form 470 Supplement 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 campaign statements immediately after you were contacted by the Enforcement Division; you filed both pre-election campaign statements before the election and the first pre-election statement was timely filed; and, you have no history of violating the Act.

Please note that while the Enforcement Division is closing these violations without a fine, your filing officer, the County of Sonoma, 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.

⁴ Sections 84200.5 and 84206.

⁵ Section 84206(c); Regulation 18406.

⁶ Sections 82036 and 84203.

⁷ Section 84203.3.

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,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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