



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

August 1, 2023

Maria Grijalva
Grijalva for Education Trustee 2018
[REDACTED]

Warning Letter re: FPPC Case No. 2021-01138; Maria Grijalva; Grijalva for Education Trustee 2018

Dear Maria Grijalva:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ In the November 6, 2018 General Election, you were an unsuccessful candidate for the Yolo County Board of Education. Your controlled committee for this election was Grijalva for Education Trustee 2018.

This case was opened in response to a sworn complaint. Also, this case was opened as a Commission-initiated matter based upon proactive outreach by the Enforcement Division with respect to campaign advertising. As discussed in more detail below, this case is being closed with a warning letter. Except as noted herein, we found insufficient evidence of a violation of the Act.

At the core of the Act's campaign reporting system is the requirement that candidates and their controlled committees must file campaign statements and reports for certain reporting periods and by certain deadlines.² For example, each candidate or committee that makes or receives a "late contribution" must file a Form 497 24-hour contribution report—within 24 hours of making or receiving the contribution.³ In the case of a candidate who is on the ballot for an election, a "late contribution" includes any contribution of \$1,000 or more that is received by the candidate or his committee within 90 days before the election—or on the date of the election.⁴

Also, the Act provides that a candidate-controlled committee may not send a "mass mailing" unless the mailing states that it is "Paid for by," followed by the name, street address, and city of the committee. Also, the name of the controlling candidate must be disclosed.⁵ "Mass mailing" means over 200 substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter, or other inquiry.⁶

To date, the Enforcement Division's investigation has revealed that you and the committee:

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2018).

² Sections 84200, *et seq.*

³ Section 84203, subdivisions (a) and (b).

⁴ See Section 82036.

⁵ See Section 84305 and Regulation 18435.

⁶ Section 82041.5.

1. Failed to timely file two Form 497 24-hour reports regarding receipt of two contributions in the amounts of \$10,000 and \$7,241.61, which you made to your own committee. The contributions were received on or about August 13 and 30, 2018, respectively. The Form 497 filings were required to be filed within 24 hours, but they were filed late—on or about September 5 in both cases. This was in violation of Section 84203.
2. Failed to file a Form 497 24-hour report regarding receipt of a contribution in the amount of \$2,500, which you made to your own committee. The contribution was received on or about September 26, 2018. The Form 497 was required to be filed within 24 hours, but it was not filed. This was in violation of Section 84203. In mitigation, receipt of this contribution was disclosed a few days late on a Form 496 filing.
3. Failed to disclose the committee's street address and city in a mass mailing that you and your committee sent in support of your candidacy for the Yolo County Board of Education. The mailing was sent in approximately October/November 2018. This was a violation of Section 84305. Also, the mailing falsely stated, "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office," but this was plainly a mistake based on the clear disclosure that the ad was "Paid for by Grijalva for Education Trustee 2018."

In another case (FPPC Case No. 2019-00469), you received a warning letter for similar violations, but that letter was not issued until April 2023, well after the violations that are noted above. In mitigation, you lost the election. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁷ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁸ This resolution may not be used as a comparable case for other enforcement matters.⁹

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. This warning letter may be considered in any future enforcement actions.

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

⁷ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁸ Regulations 18360.1 and 18360.3.

⁹ See Regulation 18361.5, subdivision (e)(3).

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 guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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