



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

June 12, 2023

Randy Eldred, individually and o/b/o of
Randy Eldred for Escondido Mayor 2018
Sheila Eldred



Warning Letter Re: FPPC No. 2018-00844, Randy Eldred for Escondido Mayor 2018, Randy Eldred, Sheila Eldred

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ This letter is response to a referral from your filing officer that alleged you failed to file your campaign statements since 2019.

The Enforcement Division has completed its review of the facts in this case. In addition, we found that you failed to timely file the semi-annual campaign statements for the reporting periods of October 21, 2018 – December 31, 2018, January 1, 2019 – June 30, 2019, July 1, 2019 – December 31, 2019, January 1, 2020 – June 30, 2020, July 1, 2020 – December 31, 2020, January 1, 2021 – June 30, 2021, July 1, 2021 – December 31, 2021, January 1, 2022 – June 30, 2022, and July 1, 2022 – December 31, 2022 by the due dates of January 31, 2019, July 31, 2019, January 31, 2020, July 31, 2020, February 1, 2021, August 2, 2021, January 31, 2022, August 1, 2022, and January 31, 2023, respectively.

The Act requires committees to file 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

Your actions violated the Act because you failed to timely file the semi-annual statements identified in the table above by the stated due dates. However, the Enforcement Division has determined that mitigating circumstances exist here: there was a very low amount raised and spent regarding the election; the Committee received all but \$90 of its contributions from the

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 84200

³ Sections 83116.5 and 91006.

candidate; pre-election statements were filed before the election; the semi-annual campaign statements outstanding were all post-election semi-annual campaign statements; you have a low level of experience with the Act; you were unsuccessful in your election; and you have no prior violations of the Act. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact, and the committee raised and spent less than \$10,000.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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.

Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file all outstanding campaign statements and pay any late filing fees assessed by your filing officer. Please contact your filing officer, City of Escondido City Clerk's Office, at (760) 839-4617 for further information about your required filings. Any future non-filings may result in monetary penalties and 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 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.⁸

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulation 18360.1.

⁶ Regulation 18360.2.

⁷ See Regulation 18361.5, subdivision (e)(3).

⁸ The Enforcement Division issued a Probable Cause Report ("PC Report") in this matter and probable was found to exist. When the PC Report was issued, Respondents were afforded an opportunity to request a probable cause hearing but failed to timely request a hearing before an Administrative Law Judge or the Commission. Upon

If you need forms or a manual, or guidance regarding your obligations, please visit our website at www.fppc.ca.gov. Please feel free to contact me at abreron@fppc.ca.gov or (916) 322-5771 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Angela J Breron

Angela J. Breron
Assistant Chief, Enforcement Division

notification that Respondents do not wish to accept a warning letter, the Enforcement Division will proceed with administrative prosecution of this case which for this case shall constitute issuing an Accusation.