



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

September 21, 2023

Committee to Elect James Hernandez Board of Director 2022

James Hernandez

Barbara Hernandez, Treasurer

Warning Letter re: FPPC No. 2023-00452; Committee to Elect James Hernandez Board of Director 2022, Hernandez, Hernandez

Dear Committee, James Hernandez, and Barbara Hernandez,

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 informed by the County of San Diego that you failed to timely file the second pre-election campaign statement in connection with the November 8, 2022 General Election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the first and second pre-election campaign statements. Additionally, we found that you failed to timely file six 24-Hour Contribution Reports (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. The Act also requires candidate-controlled committees that receive a contribution(s), including a loan, totaling \$1,000 or more from a single source within 90 days before the election, or on the date of the election, to file a 24-Hour Contribution Report within 24 hours of receiving the contribution.³ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

You violated the Act by failing to timely file the first pre-election campaign statement for the period covering July 1, 2022 through September 24, 2022, by the September 29, 2022 deadline, and failing to

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 Sections 84200.5 and 84200.

³ Sections 82036 and 84203.

⁴ Sections 83116.5 and 91006.

timely file the second pre-election campaign statement for the period covering September 25, 2022 through October 22, 2022, by the October 27, 2022 deadline. You also violated the Act by failing to timely file six 24-Hour Contribution Reports within 24 hours of receiving contributions totaling \$1,000 or more. A streamline stipulation was approved for five of the violations for failing to timely file 24-Hour Contribution Reports. The violations for failing to timely file the pre-election statements and failing to timely file a 24-Hour Contribution Report for the loan received on September 20, 2022 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 outreach program; both pre-election statements were filed before the applicable election; the contribution that triggered the 24-Hour Contribution Report received on September 20, 2022 was a loan from the candidate's personal funds and was disclosed on the first pre-election statement filed before the applicable election; and, you have no history of violating the Act.

Please note that while the Enforcement Division is closing this matter without a fine, your filing officer, the County of San Diego, 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 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, Assistant Chief
Enforcement Division

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