



September 11, 2023

Oscar de la Torre

Via Email: Oscar.delaTorre@santamonica.gov

Warning Letter re: FPPC Case No. 2021-00306; Oscar de la Torre

Dear Oscar de la Torre:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to complaints alleging that, as a member of the Santa Monica City Council, you violated the Act’s disclosure provisions by failing to timely file your Assuming Office Statement of Economic Interests (“SEI”), by the specified due date. Additionally, the Enforcement Division identified financial interests that you failed to timely disclose on your Candidate SEI.

The Enforcement Division has completed its review of the case and determined that you failed to timely file your Assuming Office SEI, by the January 7, 2021 due date. Additionally, the Enforcement Division determined that you failed to timely disclose certain interests on your Candidate SEI.

Under the Act, every person who is elected to a city council must, within 30 days after assuming office, file an Assuming Office SEI to disclose their investments, interests in real property, and income received during the 12 months before assuming office.² Similarly, the Act requires every candidate for city council to file a Candidate SEI disclosing their investments, business positions, interests in real property, and income received during the preceding 12 months.³ The Candidate SEI must be filed no later than the due date for the declaration of candidacy.⁴

You violated the Act by failing to timely file your Assuming Office SEI, by the January 7, 2021 due date, and by failing to timely disclose your ownership interest and related information for Holistic Strategies and Cal Racing Cares on your Candidate SEI. However, mitigating factors exist such that the Enforcement Division has decided to close your case with this Warning Letter. It appears you were confused as to the due date of your Assuming Office SEI. You filed your Assuming Office SEI on January 14, 2021, seven days late, which did include the disclosures of Holistic Strategies and Cal Racing Cares. You filed an amendment to your Candidate SEI to disclose the missing interests after receiving contact from the Enforcement Division. Additionally, you were a non-incumbant candidate and you do not have a prior history of violating the Act. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 87202.

³ Section 87201.

⁴ *Id.*

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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.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. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future Commission 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.

Please feel free to contact me at JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Chris Harding [REDACTED]

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

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