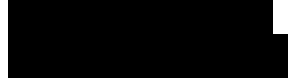




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 12, 2023

Dennis Sisneros, individually and on behalf of O'side Locals Support Recall of Esther Sanchez



Warning Letter Re: FPPC Case No. 2020-01145; Dennis Sisneros and O'side Locals Support Recall of Esther Sanchez

Dear Dennis Sisneros:

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 a referral from the City of Oceanside alleging that O'side Locals Support Recall of Esther Sanchez (the "Committee") failed to timely file semi-annual campaign statements. The Enforcement Division has completed its investigation and review of the matter and determined that the Committee failed to timely file two quarterly campaign statements, two semi-annual campaign statements, failed to maintain detailed campaign records, accepted prohibited cash contributions and made prohibited cash expenditures.

Under the Act, "committee" includes any person or combination of persons who directly or indirectly receives contributions totaling \$2,000 or more in a calendar year.² This type of committee is commonly referred to as a "recipient committee." A person or group of persons who raises or spends more than \$2,000 for a recall attempt qualifies as a "committee" under the Act when the target officer is served with a notice of intent to recall pursuant to Elections Code Section 11021.³ Once the notice of intent to recall is given, the committee must report on its first campaign statement all contributions received and expenditures made for the purpose of influencing the electorate to sign a recall petition or to vote for or against a recall election, regardless of when the contributions were received or expenditures were made.⁴

Recipient committees must 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 31.⁵ In addition to semi-annual campaign statements, recipient committees that are primarily formed to support or oppose the qualification, passage, or defeat of a measure must file

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 82013, subd. (a).

³ Regulation 18531.5, subd. (c)(3).

⁴ *Id.*

⁵ Section 84200, subd. (a).

quarterly campaign statements no later than April 30 for the period of January 1 through March 31, and no later than October 31 for the period of July 1 through September 30.⁶

The Act requires each treasurer and principal officer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the Act.⁷ The treasurer may be held jointly and severally liable, along with the committee, for violations committed by the committee.⁸

The Act prohibits contributions of \$100 or more from being made or received in cash.⁹ Additionally, the Act prohibits expenditures of \$100 or more from being made in cash.¹⁰

You and the Committee violated the Act by failing to timely file two quarterly campaign statements for the reporting periods ending March 31, 2020 and September 30, 2020; failing to timely file two semi-annual campaign statements for the reporting periods ending June 30, 2020 and December 31, 2020; failing to maintain detailed campaign records for contributions received totaling at least \$7,084 and expenditures made totaling at least \$6,964. Additionally, there were seven instances in which you and the Committee made prohibited cash expenditures of \$100 or more totaling \$3,460, and two instances in which the Committee received prohibited cash contributions of \$100 or more totaling \$700.

Despite these violations, the Enforcement Division has determined that further enforcement action is not warranted because the violations resulted in minimal public harm, you were unsuccessful in your campaign efforts, and you do not have a prior enforcement history. 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.¹¹ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹² Additionally, discretion was used for violations that caused minimal public harm when the total penalty met or exceeded the total amount raised or spent by the filer and the committee raised and spent less than \$10,000.¹³ This resolution may not be used as a comparable case for other enforcement matters.¹⁴

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

⁶ Section 84202.3, subd. (a)

⁷ Section 84104.

⁸ Sections 83116.5 and 91006.

⁹ Section 84300, subd. (a).

¹⁰ Section 84300, subd. (b).

¹¹ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹² Regulations 18360.1 and 18360.3.

¹³ Regulation 18360.2.

¹⁴ See Regulation 18361.5, subd. (e)(3).

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within 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 10 days from the date of this letter.

If you need forms or a manual, or guidance regarding their obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. 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: City of Oceanside cityclerk@oceansideca.org