



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

October 4, 2023

Jose Antonio Jimenez, Candidate
Maria Jimenez, Treasurer
individually and o/b/o Committee to Elect Jose Antonio Jimenez AUDS Trustee 2018

[REDACTED]

[REDACTED]

[REDACTED]

Warning Letter: FPPC No. 2019-00501; Committee to Elect Jose Antonio Jimenez AUDS Trustee 2018, Jose Antonio Jimenez, and Maria Jimenez

Dear Respondents,

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 County of Monterey alleging Committee to Elect Jose Antonio Jimenez AUDS Trustee 2018 (“the Committee”) failed to timely file campaign statements. The Enforcement Division has completed its review of the facts in this case, and determined the Committee failed to timely file one pre-election campaign statement, one semiannual campaign statement, and two 24-hour contribution reports.

The Act requires a candidate-controlled committee to file preelection campaign statements prior to elections in which the candidate appears on the ballot.² For the November 6, 2018 General Election, a candidate-controlled committee was required to file a preelection campaign statement for the reporting period of September 23, 2018 - October 20, 2018 no later than October 25, 2018. The Act further requires candidates to file semi-annual campaign statements twice per year disclosing campaign contributions and expenditures. They must file a semiannual campaign statement by January 31 for the reporting period ending December 31 or the next business day if the deadline falls on a weekend or holiday.³

Each candidate or committee that makes or receives a late contribution must file a report within 24 hours of making or receiving the contribution.⁴ A “late contribution” includes a contribution aggregating \$1,000 or more that is made to or received by a candidate, controlled committee, or primarily formed committee within 90 days before the date of the election at which the pertinent

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Section 84200.5.

³ Section 84200, subd. (a); Regulation 18116, subd. (a).

⁴ Section 84203.

candidate or measure is to be voted on.⁵ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁶

Specifically, you violated the Act by failing to timely file a pre-election campaign statement covering the period of July 1, 2018 to October 20, 2018 and a semiannual campaign statement covering the period of October 21, 2018 to December 31, 2018 by the specified due dates. Additionally, you violated the Act by failing to timely file two 24-hour contribution reports by the specified due dates for a contribution of \$3,000 received on October 5, 2018⁷ and a contribution of \$1,900 received on October 31, 2018. The Enforcement Division has determined that mitigating circumstances are present here. The campaign statements were filed after Enforcement contact, the committee raised and spent a low amount, the candidate and treasurer are inexperienced with the Act, the activity was reported by the other participant in the transaction, and there is no prior history of violating 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.⁸ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁹ 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 \$10,000.¹⁰ This resolution may not be used as a comparable case for other enforcement matters.¹¹

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, the Committee is still required to pay any late filing fees assessed by the filing officer. Please contact the Committee's filing officer for further information about 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

⁵ Section 82036.

⁶ Sections 83116.5 and 91006.

⁷ The statute of limitations for this violation will expire on October 8, 2023.

⁸ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁹ Regulations 18360.1 and 18360.3.

¹⁰ Regulation 18360.2.

¹¹ See Regulation 18361.5, subd. (e)(3).

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 this 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.

If you have any questions regarding this letter, please contact me at (916) 322-5772 or MCorona@fppc.ca.gov

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

Cc: Jessica Cedillo, cedilloj@co.monterey.ca.us