



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

September 28, 2023

Rodriguez for Water Board 2018  
Jennifer Rodriguez  
[REDACTED]

Alejandra Cortez City Council 2018  
Alejandra Cortez and David Gould  
[REDACTED]

Marco Barcena  
[REDACTED]

Lisseth Flores  
[REDACTED]

**Warning Letter Re: FPPC No. 2019-01487; Rodriguez for Water Board 2018, Jennifer Rodriguez, Alejandra Cortez, Alejandra Cortez City Council 2018, Marco Barcena, Lisseth Flores, and David Gould**

Dear Jennifer Rodriguez, Alejandra Cortez, Marco Barcena, Lisseth Flores, and David Gould:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to a sworn complaint alleging Rodriguez for Water Board 2018 (ID# 1409357) (the “Rodriguez Committee”) failed to timely disclose certain contributions and expenditures on applicable campaign statements. Additionally, the Enforcement Division identified a mailer advertisement that potentially failed to include the proper disclosure.

The Enforcement Division has completed its review of the matter and determined the Rodriguez Committee failed to timely disclose an expenditure for a mailer advertisement on Schedule D of the semi-annual campaign statement for the reporting period ending December 31, 2018. Additionally, it was determined that Alejandra Cortez City Council 2018 (the “Cortez Committee”) failed to timely file a 24-hour contribution report to disclose a late

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<sup>1</sup> 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.

contribution/loan received, totaling \$5,000, from the Rodriguez Committee on October 2, 2018.<sup>2</sup> Further, the Enforcement Division determined that there was insufficient evidence to support a finding that the Rodriguez Committee violated the Act's advertisement disclosure provisions, and that there was insufficient evidence to support a finding that Alejandra Cortez, Marco Barcena, and Lisseth Flores violated the campaign disclosure provisions of the Act related to the relevant advertisement.

For each person to whom an expenditure of \$100 or more has been made the relevant campaign statement must disclose the following vendor information: (1) full name; (2) street address; (3) amount of each expenditure; and (4) a brief description. Additionally, in the case of an expenditure which is a contribution to a candidate or an independent expenditure to support or oppose a candidate, in addition to the info required in (1)-(4), the relevant campaign statements must disclose: the date of the contribution or independent expenditure; the cumulative amount of contributions or independent expenditures made relative to a candidate; the full name of the candidate, and the office and district for which they sought election; and the jurisdiction in which the candidate is voted upon.<sup>3</sup>

Each candidate or committee that makes or receives a late contribution<sup>4</sup> shall report the late contribution within 24 hours of the time it is made or received.<sup>5</sup> Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.<sup>6</sup>

The Rodriguez Committee violated the Act by failing to timely report a mailer advertisement on Schedule D and the Cortez Committee violated the Act by failing to timely file a 24-hour contribution report, as discussed above. However, mitigating evidence exists such that the Enforcement Division has elected to close this case with a warning letter. While the Rodriguez Committee failed to timely disclose the expenditure on Schedule D of the relevant campaign statement, the Rodriguez Committee provided some disclosure by timely disclosing the expenditure on Schedule E. Additionally, Jennifer Rodriguez is no longer in office, does not have a prior enforcement history within the last five years for this type of violation, the Rodriguez Committee raised and spent a low amount regarding the election and has since terminated. Next, while the Cortez Committee failed to timely file a 24-hour contribution report, the report was filed only five days late and prior to the relevant election, and the contribution was timely disclosed on the applicable pre-election campaign statements filed by the Cortez Committee and the Rodriguez Committee. Also, the Rodriguez Committee timely disclosed this late contribution on a timely filed 24-hour contribution report. Further, Alejandra Cortez has no prior enforcement history or prior experience with the Act and is no longer in office. Based on

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<sup>2</sup> The statute of limitations for this violation will expire on October 3, 2023.

<sup>3</sup> Section 84211, subd. (k)(5).

<sup>4</sup> "Late contribution" includes a contribution, or loan, that totals in the aggregate \$1,000 or more and is received by a candidate or controlled committee during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate is to be voted on. (Section 82036.)

<sup>5</sup> Section 84203.

<sup>6</sup> Sections 83116.5 and 91006.

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.<sup>7</sup> Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.<sup>8</sup> This resolution may not be used as a comparable case for other enforcement matters.<sup>9</sup>

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 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 days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

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

Sincerely,

*Jenna Rinehart*

Jenna C. Rinehart,  
Commission Counsel  
Enforcement Division

cc: Priscilla Flores [REDACTED]

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<sup>7</sup> <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

<sup>8</sup> Regulations 18360.1 and 18360.3.

<sup>9</sup> See Regulation 18361.5, subd. (e)(3).