



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

February 1, 2023

Bob Archuleta
o/b/o Bob Archuleta for Senate 2018
[REDACTED]

Cine Ivery
[REDACTED]

Re: Advisory Letter - FPPC No. 2021-00109, In the Matter of Bob Archuleta for Senate 2018, Bob Archuleta, and Cine Ivery

Dear All:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ This case stems from a mandatory audit of the committee, Bob Archuleta for Senate 2018 ("Committee"), conducted by the Franchise Tax Board's Political Reform Audit Division. The Committee has already resolved other violations through the streamline program. This letter concerns the audit's material finding concerning a loan that was received by Bob Archuleta ("Archuleta") during his candidacy and was used for political purposes. After investigation and review of the available evidence, the Enforcement Division is closing its file in this matter with this advisory letter as discussed below.

The Act defines contributions as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is received or if it is clear from the surrounding circumstances that the payment is not made for political purposes.² Notwithstanding this section, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes.³ Political purposes is further explained in the definition of expenditure, a payment is made for political purposes if it is made for purposes of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.⁴

The Committee reported receiving a \$50,000 loan on the campaign statement for the period ending April 21, 2018. The loan was reported to be from the candidate, Archuleta. The funds for this loan were received in the form of a cashier's check that listed "Balubhai Patel/Hiravantiben Balubhai

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 82015.

³ Section 84216.

⁴ Section 82025, subdivision (b).

Patel/Vijay Patel POA” as the remitter. This check was first deposited in the candidate’s personal funds and then the candidate issued a personal check for \$50,000 made payable to the Committee. Upon review of the available evidence, there is insufficient evidence to determine that the initial cashier’s check deposited by Archuleta was a payment made for political purposes. Archuleta is a real estate broker by profession. According to Archuleta and Vijay Patel (“Patel”), the \$50,000 was an advance on monies owed in connection with a real estate transaction. According to Archuleta, advances are common, and he has received several in his career. Although he intended to use the advance for his campaign, he did not disclose his intent to Patel and Patel states he did not know this intent. Archuleta provided documentation showing that he was entitled to funds as part of a real estate transaction and asked for an advance of the funds prior to the close of escrow.

The Enforcement Division’s investigation determined that there was insufficient evidence that the loan made to Archuleta by Patel was made for political purposes or for the purpose of influencing or attempting to influence the action of the voters for or against the election of a candidate.

Even though we are closing our file in the matter, please be advised of the provisions around disclosure of contributions and loans. If you need guidance regarding the Act’s reporting requirements, contact the Commission’s Advice team by calling 1-866-275-3772 or sending an email to advice@fppc.ca.gov. There is also information pertaining to the reporting requirements available on the Commission’s website, www.fppc.ca.gov.

If you have any questions regarding this matter, please feel free to contact me at 916-323-6421.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Franchise Tax Board Political Reform Audit Division