



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 1, 2023

Marcos Alvarez for Palmdale City Council District 3 2022
Marcos Alvarez, Candidate
[REDACTED]

Warning Letter Re: FPPC No. 2023-00101; Marcos Alvarez for Palmdale City Council District 3 2022 and Marcos Alvarez

Dear Marcos Alvarez and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, in response to the Enforcement Division's pre-election outreach program, we were made aware by the Los Angeles County Registrar-Recorder/County Clerk that you failed to timely file the second pre-election campaign statement in connection with the November 8, 2022 election. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file both the first and second pre-election campaign statements and a 24-Hour Report.

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the election in which the candidate is listed on the ballot.² For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.³ The Act requires a candidate who receives or spends less than \$2,000 to file a Form 470 (Short Form) campaign statement by the first pre-election campaign statement deadline.⁴

The Act also requires each candidate or committee that makes or receives a late contribution to report the contribution within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution means any of the following: a contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.⁵

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 84200.5.

³ Section 84200.8, subd. (a).

⁴ Sections 84206 and 84200.8; Regulation 18406.

⁵ Sections 84203 and 82036

Your actions violated the Act because you failed to timely file both pre-election campaign statements by the September 29, 2022 and October 27, 2022 deadlines. You also failed to timely file a 24-Hour Report (Form 497) for a \$1,000 contribution received on September 23, 2022. However, the Enforcement Division has decided to close your case with this warning letter rather than a fine because you were referred as part of the pre-election outreach program, you filed the required campaign statements after you were contacted by the Enforcement Division, you reported a low amount of activity that did not reach the \$2,000 committee qualification threshold, and you were an unsuccessful candidate. Therefore, you were eligible to file a Form 470 regarding your candidacy for Palmdale City Council District 3. Please note that while the Enforcement Division is closing this matter without a fine, your filing officer may assess late filing penalties.

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 (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, please feel free to contact Shaina Elkin at selkin@fppc.ca.gov or (916) 327-2020.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

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