



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

January 24, 2023

Ricardo Fosado



Warning Letter Re: FPPC No. 2023-00055; Ricardo Fosado

Dear Mr. Fosado,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ The Enforcement Division received a referral from the Bellflower City Clerk that alleged you failed to timely file a Candidate Intention Statement (Form 501) and a second pre-election campaign statement (Form 460) in connection with the November 8, 2022 General Election.

The Act provides that a candidate for state or local office must file a Form 501 for each election prior to soliciting or receiving any contributions or making expenditures from personal funds on behalf of their candidacy². An individual who intends to run for local office must file the Form 501 with the same filing officer as they would file original campaign statements. Additionally, 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.³ For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.⁴ The Act also allows a candidate who receives and spends less than \$2,000 to file a Form 470 (Short Form) campaign statement by the first pre-election campaign statement deadline.⁵

Your actions violated the Act because you failed to file your Candidate Intention Statement (Form 501) prior to making expenditures on behalf of your candidacy, and you failed to timely file the second pre-election campaign statement by the October 27, 2022 deadline. However, the Enforcement Division has decided to close this case with this warning letter rather than a fine because you were a first-time candidate with no prior experience with the Act; your election bid was unsuccessful; and on your first pre-election campaign statement you reported a low amount of activity that did not reach the \$2,000 committee qualification threshold. Therefore, you were

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014 and all statutory references are to this code.

² Section 85200

³ Section 84200.5.

⁴ Section 84200.8, subd. (a).

⁵ Sections 84206 and 84200.8; Regulation 18406.

eligible to file a Form 470 regarding your candidacy for Bellflower City Council. Finally, you have no prior history of violating the Act.

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 Ginny Brown at (916) 322-8064 or gbrown@fppc.ca.gov.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:gab

cc: Mayra Ochiqui (mochiqui@bellflower.org)