



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

March 15, 2023

Rosalinda Sanchez
Rosalinda Sanchez City Council Candidate for District 3 2022
[REDACTED]

Warning Letter re: FPPC No. 2022-00983; Rosalinda Sanchez City Council Candidate for District 3 2022, Rosalinda Sanchez

Dear Rosalinda Sanchez and Committee:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received complaints alleging that you violated the campaign disclosure provisions of the Act. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file a Form 410 (Statement of Organization) Amendment, a Form 470 Supplement, and the first and second pre-election campaign statements (Form 460s). Additionally, the Committee paid for two expenditures using a personal credit card instead of depositing campaign funds into a single, designated campaign contribution bank account prior to making the expenditures, in violation of Section 85201.

The Act requires candidate-controlled committees to file two pre-election campaign statements at specified times prior to the election in which the candidate will be on the ballot, as well as semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

The Act allows a candidate who has not raised or spent \$2,000 or more in a calendar year to file a Form 470 (Campaign Short Form) by the first pre-election campaign statement deadline in lieu of filing two pre-election campaign statements (Form 460).⁴ However, if a candidate files Form 470 and thereafter receives contributions or makes expenditures totaling \$2,000 or more in a calendar year, the candidate must send written notification (Form 470 Supplement) to the Secretary of State, the local filing officer, and each candidate for the same office within 48 hours of meeting or exceeding the \$2,000 committee qualification threshold.⁵ The Act also requires candidates who filed a Form 410 indicating that the committee qualification threshold was not yet met to file a

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 Sections 84200.5 and 84200.

³ Sections 83116.5 and 91006.

⁴ Section 84206, subd. (a) and Regulation 18406.

⁵ Section 84206, subd. (c).

Form 410 amendment within 10 days of meeting the committee qualification threshold to disclose the date the committee qualified.⁶

Additionally, the Act requires that all contributions or loans made to the candidate's controlled committee, as well as any personal funds which will be utilized to promote the election of the candidate, shall be deposited in the campaign bank account prior to expenditure.⁷ The Act also requires that all campaign expenditures shall be made from the campaign bank account.⁸

Your actions violated the Act because you failed to timely file the first and second pre-election campaign statements, a Form 410 amendment, and a Form 470 Supplement. Additionally, you failed to deposit contributions to a campaign bank account prior to making expenditures. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine for the following reasons: you ran as a first-time candidate during the November 8, 2022 General Election and you were unsuccessful; you filed the missing statements after you were contacted by the Enforcement Division; the total amount of expenditures barely reached the \$2,000 threshold to qualify as a committee; the candidate was the source of 100% of the funds not deposited in the campaign bank account; your committee has since been terminated; and you do not have a 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.⁹ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹⁰ 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 \$10,000.¹¹ This resolution may not be used as a comparable case for other enforcement matters.¹²

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

⁶ Section 84103.

⁷ Section 85201, subd. (c) and (d).

⁸ Section 85201, subd. (e).

⁹ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹⁰ Regulations 18360.1 and 18360.3.

¹¹ Regulation 18360.2.

¹² See Regulation 18361.5, subdivision (e)(3).

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 Amber Rodriguez at arodriguez@fppc.ca.gov or (916) 322-1198.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB:ar