



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

April 11, 2023

Gil Navarro

o/b/o Gil Navarro for San Bernardino City Council Ward 1 - 2022



Warning Letter Re: FPPC No. 2022-00345: Gil Navarro for San Bernardino City Council Ward 1 – 2022, Gil Navarro

Dear Gil Navarro:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”). This letter is in response to an anonymous complaint regarding alleged misuse of campaign funds that were being held in trust by your committee noted above (the “Committee”).

The Act prohibits campaign funds from being used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for any vehicle that is not owned by the committee and directly used for political, legislative, or government purposes.¹ Furthermore, a personal telephone used for campaign telephone calls may only be paid with campaign funds in proportion to the usage for campaign purposes.² Additionally, the Act requires elected officers, candidates, and committees to file semiannual 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 31.³

The Enforcement Division found that the Committee misused campaign funds by spending \$100 on a cell phone bill and \$323.66 on car repairs between January 1, 2021 and June 30, 2021. Furthermore, the Committee failed to timely report the repayment of the misused funds back to the Committee. Finally, the Committee failed to timely file a semi-annual campaign statement for the reporting period of July 1, 2022 through December 31, 2022. The Enforcement Division has determined that mitigating factors are present in this case: you reported the expenditures for the cell phone bill and car repairs on the applicable campaign statement; you withdrew from the June 7, 2022 Primary Election; you did not intentionally violate the act and misunderstood the

¹ Section 89516.

² See *Rubin* Advice Letter, No. I-94-304.

³ Section 84200.

law, you raised and spent less than \$5,000 on your campaign; you promptly returned the funds, which amounted to less than \$500, to the campaign bank account after contact with the Enforcement Division; and the semi-annual campaign statement was filed only 15 days late. 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.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ Additionally, discretion was used for violations that caused minimal public harm when the committee raised and spent less than \$10,000.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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. Furthermore, the Enforcement Division expects Captor to file the appropriate lobbyist employer report as it still requires filing.

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.

Even though we are closing this case with a warning letter, amended campaign statements disclosing the repayment of the committee funds are still due to be filed with your filing officer, the City of San Bernardino.

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulations 18360.1 and 18360.3.

⁶ Regulation 18360.2.

⁷ See Regulation 18361.5, subdivision (e)(3).

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Rose". The signature is written in a cursive, flowing style.

Alex J. Rose, Commission Counsel
Enforcement Division