



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

April 10, 2023

John Mendoza for Water Board 2020

John Mendoza



Warning Letter Re: FPPC No. 2021-00050, John Mendoza for Water Board 2020 and John Mendoza

Dear John Mendoza for Water Board 2020 and John Mendoza:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to referrals from Los Angeles County Registrar of Voters alleging that John Mendoza for Water Board 2020 (“the Committee”) failed to timely file a semi-annual campaign statement. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file two pre-election campaign statements and one 24-hour contribution report.

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring candidates and committees to disclose all contributions received and expenditures made throughout a campaign on timely filed campaign statements and reports.² 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 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 31.³ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴

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 81002, subd. (a); Section 84200, *et seq.*

³ Section 84200.5 and 84200.

⁴ Sections 83116.5 and 91006.

Each candidate or committee that makes or receives a “late contribution” must file a Form 497, 24-hour contribution report, within 24 hours of making or receiving the contribution.⁵ In the case of a candidate who is on the ballot, a “late contribution” includes any contribution of \$1,000 or more that is received by the candidate or his committee during the 90 days leading up to the election. During this time, a “late contribution” also includes multiple smaller contributions from the same source that add up to \$1,000 or more.⁶

You violated the Act because you failed to timely file two pre-election campaign statements for the periods ending September 19, 2020, and October 17, 2020 by the applicable due dates. Additionally, we found that the Committee failed to timely file one 24-hour contribution report disclosing a loan from the candidate. However, the Enforcement Division has decided to close this case with a warning letter because you filed the required campaign statements with the Los Angeles County Registrar before the election, after being contacted by the Enforcement Division about errors on the filings you filed amendments, and the Committee has no prior enforcement history. 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.⁷ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁸ Additionally, discretion was used for violations that caused minimal public harm when the committee raised and spent less than \$10,000. This resolution may not be used as a comparable case for other enforcement matters.⁹

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

⁵ Section 84203.

⁶ Section 82036.

⁷ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁸ Regulations 18360.1 and 18360.3.

⁹ See Regulation 18361.5, subdivision (e)(3).

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.

Please feel free to contact me at 916-327-2016 or cfelkins@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Michael C. Felkins

Michael C. Felkins, Commission Counsel
Enforcement Division

cc: Los Angeles County Registrar of Voters aolevera@rrcc.lacounty.gov