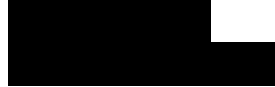




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 28, 2023

Marcos T. Alvarez
Marcos T. Alvarez for Palmdale School District Board 2020



Warning Letter Re: FPPC No. 2021-00886; Marcos T. Alvarez for Palmdale School District Board 2020, Marcos T. Alvarez

Dear Marcos T. 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, the Enforcement Division received a referral from the Los Angeles County Registrar-Recorder’s office alleging that you failed to timely “cross-file” a pre-election campaign statement with Los Angeles County.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file the semi-annual campaign statements for the reporting periods of January 1, 2021 through June 30, 2021, by the July 31, 2021 due date; July 1, 2021 through December 31, 2021, by the January 31, 2022 due date; January 1, 2022 through June 30, 2022, by the August 1, 2022 due date; and July 1, 2022 through December 31, 2022, by the January 31, 2023 due date. In addition, we found that you failed to file a copy of the pre-election campaign statements for the reporting periods of January 1, 2022 through September 24, 2022, by the September 29, 2022 due date, and September 25, 2022 through October 22, 2022, by the October 27, 2022 due date with the Los Angeles County Registrar-Recorder’s office.

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the applicable election, as well as semi-annual campaign statements until the committee terminates.² Additionally, when an individual is simultaneously a candidate for elective office in two different local jurisdictions, they must file campaign statements for all committees they control with both jurisdictions. The candidate or elected officer shall file the originally signed campaign statement with the relevant jurisdiction and shall file a copy of the campaign statement with the other location(s).³ 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.

² Sections 84200 and 84200.5.

³ Regulation 18405, subdivision (b).

⁴ Sections 83116.5 and 91006.

You violated the Act by failing to timely file the semi-annual campaign statements by the due dates of July 31, 2021; January 31, 2022; August 1, 2022; and January 31, 2023. You also violated the Act by failing to timely file a copy of the pre-election campaign statements with the Los Angeles County Registrar-Recorder's office by the September 29, 2022 and October 27, 2022 due dates. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because the failure to timely file was of minimal public harm since you had very little campaign activity, you were an unsuccessful candidate, and you have no history of violating the Act. Please note that while the Enforcement Division is closing this matter without a monetary penalty, your filing official, Los Angeles County, may assess a late filing penalty.

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.

Please feel free to contact Vanessa Greer at vgreer@fppc.ca.gov or 916-322-2043 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB: vg