



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

May 3, 2023

Ella Rogers
[REDACTED]

Warning Letter Re: FPPC No. 2019-01070: Ella Rogers

Dear Ella Rogers:

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 a campaign late filer referral from San Bernardino County regarding your failure to timely file a campaign statement short form (Form 470) for the calendar year of 2019.

The Act permits a candidate who receives or spends less than \$2,000 to file a Form 470 campaign statement by the first pre-election campaign statement deadline, which is 40 days before the election.² For non-election years, the form is required to be filed on or before the filing deadline for the first semi-annual campaign statement, by July 31.³

The Enforcement Division found you failed to timely file a Form 470 campaign statement for the calendar years of 2017, 2018, 2019, and 2020. However, there are several mitigating factors present in this case: the Form 470s were unrelated to the election due to being post-election campaign statements, there was no reportable activity, and you are no longer in office. 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

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 84206 and 84200.8; Regulation 18406.

³ Section 84200.

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.

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 Rogers to file all outstanding campaign statements.

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 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

⁶ Regulation 18360.2.

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