



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

June 12, 2023

Ulises Cabrera, individually and o/b/o
Ulises Cabrera for City Council 2018
Martin Cabrera
Via email: ulises@moval.org, [REDACTED]

Warning Letter Re: FPPC No. 2018-01120; Ulises Cabrera, Ulises Cabrera for City Council 2018; Martin Cabrera

Dear Ulises Cabrera, Martin Cabrera, and Committee:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a sworn complaint alleging that you reported inaccurate figures regarding contributions and expenditures in campaign statements for the Committee related to the November 2018 election. The Enforcement Division has completed its investigation of the matter and found that you failed to accurately report contributions and expenditures on campaign statements.

The Act requires candidates and their controlled committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees.² The Committee violated the Act by failing to accurately report certain contributions and expenditures. Specifically, the Committee’s originally-filed campaign statements inaccurately reported the following: In the preelection campaign statement for April 23, 2017 thru May 20, 2017 - inaccurately reported the beginning cash balance and ending cash balance.³ In the semi-annual campaign statement for May 21, 2017 thru June 30, 2017 - inaccurately reported the beginning cash balance and ending cash balance, and failed to report contributions received.⁴ In the semi-annual campaign statement for July 1, 2017 thru December 31, 2017 - inaccurately reported the beginning cash balance and ending cash balance.⁵ In the semi-annual campaign statement for January 1, 2018 thru June 30, 2018 - inaccurately reported the beginning cash balance and ending cash balance. However, the Enforcement Division has determined that mitigating circumstances exist here: two of the originally-filed applicable campaign statements were timely filed and the other two were filed one day late; at the time, you

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 84200, *et seq.*

³ The five-year statute of limitations ran for this violation on May 25, 2022. Therefore, the violation is not charged herein.

⁴ The five-year statute of limitations ran for this violation on July 31, 2022. Therefore, the violation is not charged herein.

⁵ The parties entered into a tolling agreement to toll the statute of limitations on January 30, 2023.

had a low level of experience with the Act; when the discrepancies were brought to your attention, amendments were promptly filed; and you have no prior 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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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.

If you need forms or a manual, or guidance regarding your obligations, please visit our website at www.fppc.ca.gov. Please feel free to contact me at abreron@fppc.ca.gov or (916) 322-5771 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Angela J Brereton

Angela J. Brereton
Assistant Chief, Enforcement Division

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulation 18360.1.

⁸ See Regulation 18361.5, subdivision (e)(3).