



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

November 14, 2023

Michelle Gomez for Supervisor 2018

Michelle Gomez



Warning Letter Re: FPPC No. 2021-00289, Michelle Gomez for Supervisor 2018, Michelle Gomez

Dear Michelle Gomez:

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 sworn complaint alleging that Michelle Gomez for Supervisor 2018 (“the Committee”) failed to accurately report certain expenditures on campaign statements. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee made a reporting error, and an amendment to the semi-annual campaign statement for the reporting period of October 21, 2018 to December 31, 2018 was required.

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 committees to file 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 Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁴ Further, the Act requires the committee disclose the full name, street address, and description for every expenditure made by the committee of \$100 or more.⁵

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 18104 through 18998 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.

⁴ Sections 83116.5 and 91006.

⁵ Section 84211.

The Committee's actions violated the Act because it failed to accurately disclose an expenditure on the semi-annual campaign statement for the period ending December 31, 2018, by the applicable due date. However, the Enforcement Division has decided to close this case with a warning letter because you filed an amendment to the campaign statement with the San Diego County after being contacted by the Enforcement Division. Additionally, the Committee has no prior history of violating the Act and had a low level of experience, and the expenditure amounted to a small percentage of overall activity. Lastly, the candidate was unsuccessful in the election and terminated the committee six months after the election.

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 me at 279-237-3766 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:

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