



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

March 27, 2024

Richard Rios

o/b/o San Diego Building and Construction Trades Council Independent Expenditure PAC

Carol Kim, Treasurer

Via email: RRios@olsonremcho.com

Warning Letter Re: FPPC No. 2024-00305; San Diego Building and Construction Trades Council Independent Expenditure PAC, Carol Kim

Dear Richard Rios:

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 an anonymous complaint alleging that your clients violated the campaign disclosure provisions of the Act. The Enforcement Division has completed its review and found that they failed to timely file a 24-Hour Independent Expenditure Report (Form 496) related to an independent expenditure made in support of Joseph Rocha, a candidate for State Assembly District 76 in the March 5, 2024, Primary Election.

The Enforcement Division found that your clients failed to file a Form 496 to report an independent expenditure made on January 29, 2024, within 24 hours. The Act requires a committee that makes an independent expenditure totaling \$1,000 or more during the 90-day period preceding the applicable election, or on the date of the election, to file a Form 496 within 24 hours of making the independent expenditure.²

Your clients’ actions violated the Act because they failed to timely file a Form 496 by January 30, 2024, to disclose an independent expenditure made on January 29, 2024. However, the Enforcement Division has decided to close this case with this warning letter rather than a fine because the Form 496 was filed before your clients were contacted by the Enforcement Division, it was filed before the election, and they have no prior Enforcement history.

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 82036.5 and 84204.

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 your clients with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your clients wish to avail themselves of these proceedings by requesting that their 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 Shelby Pearce at spearce@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Assistant Chief
Enforcement Division

CBB: sp