



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

October 19, 2023

Caleen Sisk, individually and on behalf of Friends of Caleen Sisk Assembly District 1 – 2018
[REDACTED]

April Carmelo, individually and on behalf of Friends of Caleen Sisk Assembly District 1 – 2018
[REDACTED]

Warning Letter Re: FPPC No. 2019-00061; Caleen Sisk, Friends of Caleen Sisk Assembly District 1 - 2018, and April Carmelo

Dear Caleen Sisk and April Carmelo:

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 referrals from the Secretary of State alleging that Friends of Caleen Sisk Assembly District 1 – 2018 (the “Committee”) failed to timely file certain campaign statements.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file: a statement of organization to disclose its date of qualification, by the specified due date; two pre-election campaign statements, in paper format, for the reporting periods ending April 21, 2018 and May 19, 2018, by the specified due dates; and three semi-annual campaign statements, electronically and in paper format, for the reporting periods ending December 31, 2018, June 30, 2019, and December 31, 2019, by the specified due dates. Additionally, you failed to maintain adequate campaign records. Further, you failed to make all campaign related expenditures from the designated campaign bank account.

A committee is required to file a statement of organization, with the Secretary of State, within 10 days after the committee has qualified as a committee to report the committee’s date of qualification.² The Act requires committees to file semi-annual campaign statements each year by January 31 and July 31.³ All candidates appearing on the ballot and their controlled committee’s must file pre-election campaign statements no later than 40 days before the election for the period ending 45 days before the election and no later than 12 days before the election for the period ending 17 days before the election.⁴ State candidates and their controlled committees

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 84101, subd. (a).

³ Section 84200, subd. (a).

⁴ Sections 84200.5, subd. (a), and 84200.8 (a) and (b).

must file electronically and in paper format with the Secretary of State when the total cumulative amount of contributions received or expenditures made is \$25,000 or more.⁵

Additionally, it is the duty of each candidate and treasurer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements for a period of four years following the date the campaign statement.⁶ Further, the Act requires candidate controlled committees to make all expenditures directly from the committee's designated campaign bank account.⁷

You and the Committee violated the Act by failing to timely file a statement of organization, failing to timely file pre-election and semi-annual campaign statements, failing to maintain adequate campaign records, and by failing to make all expenditures directly from the Committee's designated campaign bank account, as discussed above.⁸ However, mitigating evidence exists such that the Enforcement Division has elected to close these violations with a warning letter rather than a penalty as they resulted in minimal public harm. On October 19, 2023, a streamline stipulation was approved for: two counts for failing to timely file pre-election campaign statements, four counts for failing to timely file 24-hour contribution reports, and five counts for failing to maintain adequate campaign records. You were a first-time candidate and a first-time campaign treasurer, with no prior experience with the Act and no prior history of violating the Act. You were unsuccessful in the November 6, 2018 General Election. There was no evidence of an intent to conceal the violations. While the Committee failed to timely file an amendment to its statement of organization with the Secretary of State, the Committee timely filed the statement with the County of Shasta. While the Committee failed to timely file two pre-election campaign statements prior to the June 5, 2018 Primary Election, the statements were filed prior to the election. Additionally, the first pre-election campaign statement was filed with the County of Shasta one day late and the second pre-election campaign statement was timely filed with the County of Shasta. Further, the Committee paid late-filing penalties to the Secretary of State totaling \$2,060 and has since terminated. 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.⁹ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹⁰ This resolution may not be used as a comparable case for other enforcement matters.¹¹

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

⁵ Sections 84215 and 84605.

⁶ Section 84104 and Regulation 18401, subd. (b)(2).

⁷ Section 85201, subd. (e).

⁸ An administrative action for a violation of the Act has a five-year statute of limitations. In this matter, a probable cause report was served on Respondents on or around March 11, 2023, effectively tolling the statute of limitations. (See Sections 83115.5 and 91000.5.)

⁹ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹⁰ Regulations 18360.1 and 18360.3.

¹¹ See Regulation 18361.5, subdivision (e)(3).

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 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 days from the date of this letter.

Should you have any questions regarding this letter, please feel free to contact me at (279) 237-5910 or JRinehart@fppc.ca.gov.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart
Commission Counsel
Enforcement Division

cc: Secretary of State mhieter@sos.ca.gov, wbrown@sos.ca.gov, krasmussen@sos.ca.gov