



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

April 19, 2024

David Lozano

[REDACTED]
[REDACTED]
Also sent to: [REDACTED]

Warning Letter re: FPPC No. 2021-00887; David Lozano

Dear David Lozano:

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 referral from the Los Angeles County Registrar Recorder/County Clerk alleging that you failed to timely file campaign statements related to the 2021 Gubernatorial Recall Election. The Enforcement Division has completed its review and found that you failed to timely file the semi-annual campaign statement for the period ending June 30, 2021, first pre-election campaign statement, second pre-election campaign statement, and the semiannual campaign statement for the period ending December 31, 2021. Additionally, we found that you failed to file an initial statement of organization (Form 410) within 10 days of qualifying as a committee on April 30, 2021, and a terminating statement of organization.

The Act requires candidates to file Form 410 to establish a candidate-controlled committee within 10 days of meeting the \$2,000 committee qualification threshold. For local candidate-controlled committees, the original Form 410 must be filed with the Secretary of State and a copy must be filed with the local filing officer.²

Under the Act, candidate-controlled committees must file two pre-election campaign statements in connection with the applicable election, as well as semi-annual campaign statements until the committee terminates.³ The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee.

You violated the Act by failing to file an initial Form 410 by May 10, 2021, 10 days from when you met the qualification threshold on April 30, 2021. Additionally, you failed to timely file the semi-annual campaign statement for the period ending June 30, 2021, both pre-election

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 84101.

³ Sections 84200.5 and 84200.

campaign statements, and the post-election semi-annual campaign statement by the respective deadlines. However, there are several mitigating factors present: you were an unsuccessful candidate, you ultimately filed the semiannual statement for the period ending June 30, 2021 and both pre-election statements, there was a minimal remaining balance in your campaign account according to campaign filings, and you have no prior Enforcement history. 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 This resolution may not be used as a comparable case for other enforcement matters.⁶ Please note that, although we are closing this matter with a warning letter, you are still required to file all outstanding campaign forms and pay any late filing fees assessed by the respective filing officers.

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 CBurton@fppc.ca.gov or 279-237-3769 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton
Assistant Chief of Enforcement
Fair Political Practices Commission

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.

⁶ See Regulation 18361.5, subdivision (e)(3).