



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

October 11, 2024

Caloza for Assembly 2024
Jessica Caloza
c/o Gary Winuk
Via email: gwinuk@kaufmanlegalgroup.com

Warning Letter Re: FPPC No. 2024-00644; Caloza for Assembly 2024, Jessica Caloza, Theresa De Vera

Dear Committee, Theresa De Vera, and Jessica Caloza:

The Enforcement Division of the Fair Political Practice Commission enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a sworn complaint alleging Caloza for Assembly 2024 (the "Committee") failed to file 24-Hour/10-Day Contribution Reports ("Form 497") due between April and June 2024. Specifically, we found that the Committee failed to timely file 10-Day Contribution Reports for twelve contributions received and 24-Hour contribution reports for five late contributions. The Committee also failed to timely report the correct name of a contributor on a 10-Day Contribution Report.

The Act requires candidate-controlled committees that receive a contribution(s) totaling \$1,000 or more from a single source within 90 days before the election, or on the date of the election, to file a Form 497 within 24 hours of receiving the contribution.² Additionally, a candidate-controlled committee for state elective office is required to file electronically with the Secretary of State a Form 497 to disclose the receipt of any contribution of \$5,000 or more received outside of the 90-day election cycle within 10 business days.³ The Act requires that specific information be included on a Form 497, including the full name of the contributor, the contributor's street address, the date of the contribution, the amount of the contribution, and whether the contribution was made in the form of a loan.⁴

Your actions violated the Act because the Committee failed to timely file eleven 10-Day Contribution Reports due on December 18, 2023, April 10, 2024, April 12, 2024, May 2, 2024, two on May 13, 2024, May 14, 2024, May 15, 2024, May 23, 2024, May 31, 2024, June 3, 2024, and June 4, 2024. Additionally, the Committee failed to timely file two 24-Hour Contribution Reports, due on February 16, 2024, and on February 28, 2024. Lastly, the Committee failed to timely report the correct name of a contributor on a 10-Day Contribution Report due September 8, 2024. However, the Enforcement Division has decided to close this case with a warning letter

¹ The Political Reform Act is contained in Government Code section 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in Section 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Sections 82036 and 84203.

³ Section 85309(c).

⁴ Section 84203(a).

rather than a fine because the Committee filed all Form 497s before the relevant primary and general elections, the activity was reported timely on all semi-annual and pre-election statements, fourteen of the seventeen late reports were filed more than three days before the relevant election, and neither you nor the Committee have a 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.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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 Regulations 18360.1 and 18360.2 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 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 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: *Sworn complainant*

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulation 18360.1 and 18360.3

⁷ See Regulation 18361.5, subdivision (e)(3).