



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

December 30, 2014

Milpitas Voters Against Measure E  
Mike McInerney, Treasurer

[REDACTED]  
[REDACTED]

✓  
**Warning Letter Re: FPPC No. 14/1145; Milpitas Voters Against Measure E; and Mike McInerney, Treasurer**

Dear Mr. McInerney:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged you failed to timely file certain campaign statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee failed to file a Form 497-Contribution Report within 24 hours of receiving a contribution of \$1,000 or more. You filed the Form 497 on October 10, 2014, disclosing three contributions received on September 16, 2014, September 22, 2014, and September 23, 2014. The Form 497 should have been filed by September 17, 2014, September 23, 2014 and September 24, 2014 respectively.

Under the Act, when a committee receives a contribution of \$1,000 or more 90 days before the election, it must file the Form 497 within 24 hours. (Section 84203.) Your committee violated the Act because that statement was not filed until October 10, 2014. However, these contributions were reported on the committee's pre-election campaign statement filed on October 6, 2014.

Since the contributions were reported on the Form 460 and the Form 497, albeit late, prior to the election, and the fact that you and your committee does not have an enforcement history, we are closing this matter with a warning letter.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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 FPPC case resolution without administrative prosecution or fine. 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 Fair Political Practices 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 FPPC 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 FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Teri Rindahl at (916) 327-2018 with any questions you may have regarding this letter.

Sincerely,

A solid black rectangular box redacting the signature of Gary S. Winuk.

Gary S. Winuk, Chief  
Enforcement Division

GSW/tr