



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 4, 2013

Mr. Kenny Muchahariyaj

REDACTED

Warning Letter Re: FPPC No. 13/0029; Muchahariyaj for Charter Commissioner

Dear Mr. Muchahariyaj:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a referral from the City of Sacramento that alleged you have failed to file a campaign statement.

The FPPC has completed its investigation of the facts in this case. Specifically, we found that you failed to file a Form 470, Campaign Statement Short Form, as a pre-election statement, by the October 5, 2012 deadline with the City of Sacramento.

Section 84200, subdivision (a), requires committees to file semiannual campaign statements each year no later than July 31, for the period ending June 30, and January 31 for the period ending December 31. However, a candidate or officeholder who plans to receive contributions of less than \$1,000 and who plans to make expenditures of less than \$1,000 in a calendar year may file a short form campaign statement pursuant to Section 84206, for the calendar year. (Section 84200(a)(1).) No other campaign statements are required to be filed by a candidate or officeholder who has filed the short form. (Reg. 18406.)

Your actions violated the Act because you failed to file a Form 470, Campaign Statement Short Form, as a pre-election statement by the October 5, 2012 deadline. However, since you communicated to your filing officer that you did not intend to receive any funds over \$1,000 and because your campaign activity appears to be minimal, we are closing your case with this warning letter. The information in this matter will be retained and may be considered should an

¹ 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.

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.

Although the Enforcement Division is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements and will be responsible for any late filing fees assessed by your filing officer. (Gov. Code § 91013.)

If your committee is no longer active, you may want to terminate your committee at this time as well. Failure to do so is a violation of the Act. Please be advised that after every filing deadline, your local filing officer will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention.

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 Tracey Frazier at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW:tfjk

cc: City of Sacramento