



FAIR POLITICAL PRACTICES COMMISSION

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March 5, 2014

Tom Shortridge, Treasurer
Nathan Mintz for Assembly 2012 (1338353)

REDACTED

**Warning Letter Re: FPPC Case No. 140108; Nathan Mintz / Nathan Mintz for
Assembly 2012**

Dear Mr. Shortridge:

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 an audit report referred to us by the Franchise Tax Board. The audit covered the period January 1, 2011 through June 30, 2012. A copy of the audit report is enclosed for your information.

The audit found that the following records were not maintained: 1) canceled checks for expenditures totaling \$165,530; 2) invoices and/or receipts for \$20,231 of the previously mentioned expenditures; 3) invoices and/or receipts for four additional expenditures totaling \$800 paid with a bank card; and 4) copies of contributors' checks for seven contributions received totaling \$3,850. Additionally, expenses totaling \$36,681 were not reported as accrued expenses on the campaign statements filed for the period January 1 through June 30, 2012. Section 84104 of the Act requires that records be maintained which are necessary for the preparation of campaign statements as described in Regulation 18401. Section 82025 of the Act defines an expenditure as being made on the date payment is made or consideration is received, whichever is earlier. Section 84211 of the Act requires total expenditures to be reported in each campaign statement period.

A check register and bank statements were maintained. Invoices and/or receipts were maintained to support most expenditures. The amount of contributions received not supported by copies of contributor checks was small. The amount of the expenditures not timely disclosed

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.

as accrued expenses was not exceedingly large and were for expenses typically reported on campaign statements. The candidate and the committee do not have a history of violations of the Act. Therefore, we have decided to close this case with a warning letter.

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 FPPC. 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 Program Specialist Robert Perna with any questions you may have regarding this letter.

Sincerely,

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Gary S. Winuk
Chief, Enforcement Division

Enclosure