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

March 16, 2011

Mr. Doug McKee
Calaveras Business Coalition
REDACTED

Warning Letter Re: FPPC No. 10/577; Calaveras Business Coalition; Doug McKee, Respondent(s)

Dear Mr. McKee:

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 pro-active investigation by the FPPC regarding your failure to accurately complete campaign disclosure statements in connection with the June 8, 2010 election in Calaveras County.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to accurately itemize expenditures made by the committee in connection with a mailer opposing candidate Merita Callaway.

The Act provides that candidates and committees must report specific information on campaign disclosure statements. Specifically the Act requires that for expenditures of $100 or more, a committee must report the person's full name, his or her street address, the amount of the expenditure, a brief description of the expenditure, and if the payment is an expenditure to support or oppose a candidate or committee, the name, office, jurisdiction or measure. (Section 84211(k)(5).)

[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 18109 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.

The campaign disclosure statements you filed in connection with the election failed to itemize expenditures in connection with a mailer opposing Merita Callaway. At our request, you submitted amendments of the campaign statements to the Calaveras County Clerk.

Your actions violated the Act because you failed to timely itemize expenditures made as required by Section 84211. Additionally, your committee should have filed a late independent expenditure report within 24 hours of making the expenditure opposing Merita Callaway. (Section 84204.) That report was not filed until we requested you do so. Since the committee correctly identified itself as the sender of the mailer, and you amended your filings immediately after contact by this office, we are closing this matter.

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 me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/jt