



FAIR POLITICAL PRACTICES COMMISSION

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March 22, 2010

Mr. Brian Swisher

✓ American Subcontractors Association of
California, PAC

REDACTED

RE: **Warning Letter**

FPPC File No. 080234; American Subcontractors Association of California PAC; Brian Swisher

Dear Mr. Swisher:

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 non-filer referral from the Los Angeles County Registrar of Voters ("Registrar") alleging that the committee has failed to file copies of its campaign statements with the Registrar.

The Act requires state general purpose committees to file with the Office of the Secretary of State, the Registrar-Recorder of Los Angeles County, and with the City and County of San Francisco. (Section 84215(a).) It does not appear that you have been consistent with filing your copies with Los Angeles County. The Registrar reports that no statements have been filed for the entire 2008 calendar year, nor for the last six months of 2009. However, your campaign statements are available to the public in electronic format with the Secretary of State. You must, however, be more diligent in filing copies of your campaign statements with Registrar-Recorder of Los Angeles County and with the City and County of San Francisco.

Additionally, in reviewing your filing record with the Office of the Secretary of State, the committee has a history of filing its statements late. For example, the campaign statements for

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 8 of the California Code of Regulations, unless otherwise indicated.

the period January 1, 2009 through March 31, 2009, April 1 through June 30, 2009 and July 1 through September 30, 2009 were not filed until November 4, 2009. The campaign statement for the period January 1, 2008 through June 30, 2008 was not filed until October 7, 2008. Since the committee did not make substantial contributions or expenditures during this period of time, we are closing our file in 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.

The committee must, in the future, file its campaign statements at all locations required by Section 84215(a) **in a timely manner**.

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