



FAIR POLITICAL PRACTICES COMMISSION  
428 I Street • Suite 520 • Sacramento, CA 95814-2329  
Phone 322-5660 • Fax (916) 322-9836

March 23, 2010

✓ Mr. Kimble Ouerbacker  
Kimble for Council

REDACTED

**Warning Letter Re: FPPC No. 10-055; Kimble for Council; A. Kimble Ouerbacker, III**

Dear Mr. Ouerbacker:

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 referral from your filing officer, that alleged you failed to file semi-annual campaign disclosure statements after the November 6, 2007 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a semi-annual campaign statement for the period January 1, 2009 through June 30, 2009 due July 31, 2009, and the period July 1, 2009 through December 31, 2009, due February 2, 2010.

The Act provides that semi-annual campaign statements shall be filed by candidates and committees until such time as they terminate their campaign committee by filing a terminating Statement of Organization (Sections 84200-84214.)

Your actions violated the Act because you failed to file any campaign statements after the November 6, 2007 election. However, since our agency contacted you requesting you complete your statements and you promptly complied, we are closing this matter without any further action.

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

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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 18100 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.

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