



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

May 17, 2012

Mr. James Sweeney  
James Sweeney and Associates

**REDACTED**

**Warning Letter Re: FPPC No. 11/601, California Action Political Institute; James Sweeney, Treasurer**

Dear Mr. Sweeney:

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. The Act requires campaign committees to file campaign statements at periodic intervals. This letter is in response to a referral from the California Secretary of State that alleged that you and your committee, the California Action Political Institute failed to file your semiannual campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file semiannual campaign statements for the following periods:

- January 1, 2010 through June 30, 2010
- July 1, 2010 through December 31, 2010
- January 1, 2011 through June 30, 2011
- July 1, 2011 through December 31, 2011

Section 84200 of the Act provides that elected officers, candidates, and committees shall file semiannual campaign statements. In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file pre-election statements as specified in Section 84200.5 by the deadlines set down in Section 84200.7.

Your actions violated the Act because you failed to file the aforementioned campaign statements by the specified deadlines. However, since you have filed a terminating Statement of Organization (Form 410) with the Secretary of State terminating your committee as of February 7, 2012, we are closing your case with this warning letter. The information in this matter will be

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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 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.

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.

Although the FPPC is not seeking a penalty in the current matter, and you have terminated your filing obligation, you are still required to immediately file any remaining outstanding statements for the period before the termination with the California Secretary of State. You will be responsible for any late filing fees assessed by your filing officer. (§ 91013.)

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need any of these publications, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (866) 275-3772 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Should you have any questions regarding this letter, please contact Kyle Levy at (916) 322-8222.

Sincerely,

 **REDACTED** 

Gary S. Winuk  
Chief, Enforcement Division

cc: California Secretary of State