



FAIR POLITICAL PRACTICES COMMISSION

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

July 16, 2012

Mr. Keith McCarter  
McCarter for Fontana Mayor 2010

**REDACTED**

**Warning Letter Re: FPPC No. 11/1073; McCarter for Fontana Mayor 2010; Keith McCarter**

Dear Mr. McCarter:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a referral from the Fontana City Clerk's Office that alleged you failed to file your committee's pre-election campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a pre-election campaign statement for the following period:

– October 1, 2010 through October 16, 2010 (Due October 21, 2010)

The FPPC also found that you failed to file semi-annual statements for the following four periods:

- October 17, 2010 through December 31, 2010 (Due February 1, 2011)
- January 1, 2011 through June 30, 2011 (Due August 1, 2011)
- July 1, 2011 through December 31, 2011 (Due February 1, 2012)
- January 1, 2012 through June 30, 2012 (Due August 1, 2012)

Sections 84200 and 84200.5 of the Act provide that elected officers, candidates, and committees shall file pre-election and semi-annual campaign statements.

Your actions violated the Act because you failed to file the aforementioned campaign statements by the specified deadlines. However, since your committee does not have a prior enforcement history and appears to be inactive, we are closing your case with this warning letter. 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

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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.

comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

The Fontana City Clerk's office also alleged that your campaign used automated phone calls; however, you did not report the expenditures associated with these calls on your pre-election campaign disclosure statement. All expenditures made on behalf of the candidate, committee, or campaign must be recorded in the relevant disclosure statement, and a failure to do so may result in monetary penalties of up to \$5,000 for each violation.

Although the FPPC is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements with the Fontana City Clerk's Office and continue filing them until you officially terminate your committee. You will be responsible for any late filing fees assessed by your filing officer. (§ 91013.)

If your committee is no longer active, you may want to terminate your committee at this time as well. Please be advised that after every filing deadline, your local filing officer will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention.

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, contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

**REDACTED**

Gary S. Winuk  
Chief, Enforcement Division

cc: Fontana City Clerk's Office