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

July 12, 2012

Mr. Donald Silva, Treasurer O/B/O
Transport Workers Union of America-CA State Conference AFL-CIO

REDACTED

Mr. Irwin Lum, Treasurer (December 9, 2008-January 30, 2012)
Transport Workers Union of America-CA State Conference AFL-CIO

REDACTED

REVISED Warning Letter Re: FPPC No. 12/057; Transport Workers Union of America-CA State Conference AFL-CIO; Irwin Lum, Treasurer

Dear Mr. Silva and Mr. Lum:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a referral from the Secretary of State ("SOS") that alleged your committee failed to file its semiannual campaign disclosure statement.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that your committee failed to timely file a semiannual campaign statement for the following period:

– January 1, 2011 through June 30, 2011 (Due August 1, 2011)

Section 84200 of the Act provides that elected officers, candidates, and committees shall file semiannual campaign statements. Further, under Section 84605, specific persons/entities are required to file electronic statements with the SOS; this includes any general purpose committee that, since January 1, 2000, has cumulatively received contributions or made expenditures totaling twenty-five thousand dollars ($25,000) or more to support or oppose candidates for any elective state office or state measure. (§ 84605(a)(2).)

Your committee's actions violated the Act because it failed to file the aforementioned campaign statement both on paper and electronically by the specified deadline. However,

[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 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.

because your committee does not have an enforcement history, and because it has since filed the statement at issue, 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 comply with the provisions of the Act in the future will result in monetary penalties of up to $5,000 for each violation.

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 committee's 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.

Please feel free to contact Tracey Frazier at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: California Secretary of State

GSW:tf:aqk