



FAIR POLITICAL PRACTICES COMMISSION

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

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August 3, 2012

Michael Cacciotti
Cacciotti For City Council 2009

REDACTED

Toni Fratiello
Cacciotti For City Council 2009

REDACTED

RE: Warning Letter ✓
FPPC No. 10/072, Michael Cacciotti; Cacciotti For City Council 2009; and Toni Fratiello, Treasurer

Dear Mr. Cacciotti and Ms. Fratiello:

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 complaint filed against you that alleged you and your committee violated the campaign provisions of the Act. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act when you failed to disclose the occupation and employer information on several contributions.

Specifically Section 84211(f) of the Act requires the disclosure of the occupation and employer information for any contribution the committee received of \$100 or more from an individual.

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.

In addition, during our investigation, it was brought to our attention that you failed to timely file the semi-annual campaign statement for the period ending December 31, 2009. Section 84200 requires candidates and their committees to file semi-annual statements no later than January 31 for the period ending December 31.² This statement was not filed until February 26, 2010.

Your actions violated Sections 84200 and 84211 of the Act because you failed to provide occupation and employer information for contributions received and you failed to timely file the semi-annual statement that was due by February 1, 2010. Since you amended your campaign statements to disclose the occupation and employer information and filed the delinquent statement shortly after receiving our February 17, 2010 letter, we are closing this matter with a warning.

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.

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/tr

Cc: Robert Magilligan

² The filing deadline for semi-annual campaign statement for the period ending December 31, 2009 was January 31, 2010. If the deadline falls on a Saturday, Sunday or official State holiday, the deadline is moved to the next regular business day. (Regulation 18116.) January 31, 2010 was a Sunday.