



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

CORRECTED COPY

July 30, 2012

Mr. Larry Flynt
Mr. Thomas Candy
President, El Dorado Enterprises, Inc.

REDACTED

RE: Warning Letter ✓
FPPC Case No. 12/462; El Dorado Enterprises, Inc., and Larry Flynt

Dear Messrs. Flynt and Candy:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act") found in Government Code section 81000, and following. The Act requires that committees file campaign statements at periodic intervals. This letter is to inform you that you failed to comply with the campaign reporting requirements when you made a late contribution and failed to file the Late Contribution Report within 24 hours.

Section 82013, subdivision (c), defines one type of committee, commonly referred to as a major donor committee, as any person who makes contributions totaling \$10,000. The Act requires that a committee file a Late Contribution Report ("LCR"), Form 497, disclosing any contributions of \$1,000 or more made to support or oppose a candidate, ballot measure, or state political party during the "late reporting period," the 16 days prior to the election in which the candidate or measure is on the ballot. The LCR must be filed by the committee within 24 hours of making the contribution and filed at every location that the committee is required to file its regular campaign statements. (Section 84203.)

On May 24, 2012, you made a late contribution of \$1,000 to the Marquez for Assembly 2012 committee. Since your contribution to the Marquez for Assembly 2012 committee occurred during the "late reporting period," you were required to file an LCR within 24 hours of making the contribution. Accordingly, your failure to file the LCR was a violation of the Act. (Section 84203.) Because you filed the LCR as soon as you realized your error, the contribution was reported on your Major Donor Campaign Statement, Form 461, filed on July 16, 2012, and you do not have a history of violating the Act, we are closing this matter with a warning letter.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, you may call the FPPC's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact Teri Rindahl at (916) 327-2018.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW:tr