



FAIR POLITICAL PRACTICES COMMISSION

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

August 8, 2013

✓ Kevin McCarthy
Jill Thomson, Treasurer
Kevin McCarthy for Congress

REDACTED

Warning Letter Re: FPPC No. 13/544: Kevin McCarthy; Kevin McCarthy for Congress; and Jill Thomson, Treasurer

Dear Mr. McCarthy and Ms. Thomson:

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 sworn complaint filed against you and your committee that alleged you failed to timely file a late contribution report for a contribution you made to the Efen Martinez for City Council campaign on June 3, 2013.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to timely file a late contribution report for your June 3, 2013 contribution by June 4, 2013.

The Act provides that a "late contribution" is defined as any contribution that totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate before the date of the election at which the candidate is to be voted on but after the closing date of the last campaign statement required to be filed before the election.. (Government Code Section 82036) Each candidate or committee that makes or receives a late contribution shall report the late contribution within 24 hours. (Government Code Section 84203)

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.

Your actions violated the Act because you failed to file a late contribution report for your contribution of two thousand, five hundred dollars (\$2,500) to the Efren Martinez for City Council campaign within 24 hours. However, due to the fact that you did file the late contribution report, albeit late, and you do not have an enforcement history, we have decided to close this case 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.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr

Cc: Candice Easter