



FAIR POLITICAL PRACTICES COMMISSION

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August 24, 2015

James Gunderson
Brian Caples
Supporters of Brian Caples Assembly 2014



**Warning Letter Re: FPPC No. 14/1162, Supporters of Brian Caples Assembly 2014;
Brian Caples; James Gundersen, Treasurer**

Dear Mr. Caples and Mr. Gundersen:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a referral from the Office of the Secretary of State alleging that Supporters of Brian Caples Assembly 2014 ("the Committee") failed to file four pre-election statements and a Candidate Intention Statement. The Enforcement Division has completed its investigation and found that you did not timely file various statements with the Secretary of State's Office.

The Act requires committees primarily formed to support a candidate to file pre-election campaign statements at various times before an election takes place.² Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³ State committees are required to file campaign statements with the Secretary of State's office.

You violated the Act because you and the Committee failed to timely file pre-election campaign statements for the periods of January 1, 2014 through March 17, 2014; March 18, 2014 through May 17, 2014; July 1, 2014 through September 30, 2014; and the October 1, 2014 through October 18, 2014 with the Secretary of State's office. But the Enforcement Division has decided to close this case with this warning letter rather than a fine because while you did not

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code.

² Section 84200.5.

³ Sections 83116.5 and 91006.

timely file the statements with the Secretary of State's office, you did timely file the statements with Placer County. In addition, you do not currently hold the position that you sought in the election, and do not have a history of prior violations of the Act.

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.

While the Enforcement Division does not intend to pursue further action in this case, you must file a Termination Statement (Form 410), or the Committee will incur additional filing obligations that could result in future enforcement actions.

A warning letter is an Enforcement Division 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

Please feel free to contact me at [REDACTED] with any questions you may have regarding this letter.

Sincerely,

[REDACTED]
Dave Bainbridge
Senior Commission Counsel
Enforcement Division