



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0586

September 13, 2013

Richard Stewart
Friends to Elect Richard A. Stewart City Council 2010

REDACTED

Re: Warning Letter

FPPC No. 13/412: Richard Stewart; Friends to Elect Richard A. Stewart City Council 2010

Dear Mr. Stewart:

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 for your failure to accurately complete the campaign disclosure statements, Form 460, for the periods covering 2008,² 2010, 2011, and 2012 in violation of the Act's committee verification requirement. We are closing this matter with a warning letter.

The Act specifically requires each candidate and the candidate's designated treasurer to verify the committee's campaign statement. (Section 84213.) Clarifying this requirement, the FPPC has determined that the candidate and the candidate's designated treasurer shall verify that to the "best of their knowledge" the committee's campaign statements are "true and complete" and use "all reasonable diligence" in the preparation of the statements. (Regulation 18427.) Specially, subdivision (c)(5) of Regulation 18427 requires the candidate to perform with due care any other task assumed in connection with raising, spending or recording of campaign funds insofar as the tasks relate to the accuracy of information entered on campaign statements.

Your actions violated the Act because you failed to accurately report the receipt and expenditure of funds as required by the Act. In order to avoid future complaints such as this in the future, steps should be taken to ensure that reasonable diligence is used in the preparation of future campaign statements. However, because the complaint concerned diminutive allegations, amendments were filed soon after contact from the Enforcement Division, and the fact that you do not have an enforcement history, we are closing this matter with a warning letter.

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.

² Due to the Act's statute of limitations, the campaign statements filed for the 2008 years were not included in the analysis of the complaint

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, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

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: Thomas Owings