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

September 27, 2012

Mr. Michael Kelly
Election Advisory Committee

REDACTED

Mr. Pat Ferguson
Election Advisory Committee

REDACTED

Warning Letter Re: FPPC No. 12/599; Election Advisory Committee; Michael Kelly, and Pat Ferguson, Respondents

Dear Messrs. Kelly and Ferguson:

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 referral from the Office of the Secretary of State that alleged you have failed to file campaign statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a semi-annual statement for the period July 1, 2011 through December 31, 2011 by the January 31, 2012 deadline, or a semi-annual statement for the period January 1, 2012 through June 30, 2012, by the July 31, 2012 deadline.

The Act requires that candidates and their committees file campaign statements at periodic intervals. Specifically, the Act provides that candidates and their committees shall file semiannual statements on July 31 and January 31 of each year reporting activity for the prior six

[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.

month period. (Gov. Code § 84200.) Your committee would continue to file campaign statements until you terminate your committee.

Your actions violated the Act because you failed to file a semiannual campaign statement by the January 31, 2012 deadline, or a semiannual campaign statement by the July 31, 2012, deadline. Since it does not appear that your committee qualified until January 24, 2012, or that your committee is actively supporting or opposing candidates or measures, we are closing our file on this matter.

You must immediately file your delinquent campaign statements with the Office of the Secretary of State. If your committee does not intend to become active, you may want to consider terminating your campaign committee at this time as well.

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/jt