



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 319-5660 • Fax (916) 319-0886

October 23, 2013

The Honorable Gary Kreep
o/b/o Wewer & Lacy, LLP

REDACTED

Re: Warning Letter
FPPC No. 13/411: Gary Kreep

Dear Judge Kreep:

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 complaint filed against you that alleged you failed to file a late contribution report, and failed to disclose campaign expenditures and income on your statement of economic interest in connection with your San Diego County judicial campaign. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you received income from the California Public Safety Voter Guide for consulting fees, and failed to disclose that source on your statement of economic interests, and that you paid a number of slate mailers to be featured on their slate mailers, and failed to disclose the payments to the slate mailers on your campaign statements.

Under the Act, every person who is elected to an office specified in Section 87200, shall file a statement disclosing their investments, their interests in real property held on the date of assuming office, and any income received during the 12 months before assuming office. (Section 87202.)

On your Assuming Office Statement of Economic Interests, you reported receiving income for consulting from Landslide Communications. Your actions violated the Act because you failed to properly disclose the California Public Safety Voter Guide as the source of income.

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.

Furthermore, the Act requires candidates and their controlled committee to disclose "subvendor payments." When an agent or independent contractor (e.g. Landslide Communications) makes payments on your behalf, you must disclose the name, address, amount paid, and code or description of payment for each vendor paid \$500 or more.

On your campaign statements, you reported payments made to Landslide Communications, but failed to disclose the payments that were made to the slate mailers on your behalf.

You originally disclosed the expenditures on your campaign statements and the income on your statement of economic interests, albeit without the proper name disclosure. However, because you filed amendments disclosing this information immediately 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.

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: Leonard Simon