



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814 2329

(916) 322-5660 • Fax (916) 322-0886

November 2, 2012

Mr. Greg Ponciano

REDACTED

Re: Advisory Letter

FPPC No. 12/661: Greg Ponciano; Greg Ponciano for Colusa City Council

Dear Mr. Ponciano:

As you may know, the Enforcement Division of the Fair Political Practices Commission (the "FPPC") has received a complaint against you. After review of the documents obtained, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The FPPC enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 810000, et seq. The Act requires candidates who filed the campaign short form, Form 470, to notify the Secretary of State, the city clerk, and each candidate contending for the same office within 48 hours when the candidate reaches or exceeds the \$1,000 threshold. (Section 84206(c).) The FPPC has created the Form 470S for such notifications.

By failing to provide the notification within the timeframe specified in §84206(c), you violated the Act. However, we have determined that further enforcement action for your violation is not warranted because you attempted to file the notification shortly after you reached the threshold, but was erroneously informed to file with the county. In addition, all other required statements were filed as soon as you were able to meet with the county, and the statements were filed prior to the election. Nevertheless, although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained and may be used against you should an enforcement action become necessary based on future conduct and/or newly discovered information.

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 18109 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.

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.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact Teri Rindahl at 916.327.2018.

Sincerely,

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Gary S. Winuk
Chief, Enforcement Division

GSW/tr