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

December 27, 2010

Mr. Jason Born
Ms. Maximina Fagan, Treasurer
Jason Born for Belmont City Council
Redacted

Re: **Warning Letter Re: FPPC No. 10/372; Jason Born, Jason Born for Belmont City Council, and Maximina Fagan, Treasurer**

Dear Mr. Born and Ms. Fagan:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a non-filer referral by your filing officer that alleged you failed to file semiannual campaign disclosure statements in connection with the November 6, 2007 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file semi-annual campaign statements for the following periods:

January 1, 2009 through June 30, 2009 due July 31, 2009
July 1, 2009 through December 31, 2009 due February 1, 2010
January 1, 2010 through June 30, 2010 due August 1, 2010

The Act requires that candidates and their committees file campaign statements at periodic intervals. Specifically, the Act provides that elected officers, candidates, and committees shall file semiannual statements. (Gov. Code § 84200.)

Your actions violated the Act because you failed to file the semiannual campaign statements noted above by the specified deadlines. You must immediately file these campaign statements with the City of Belmont.

[1] The Political Reform Act is contained in Government Code sections 81000 through 92014. 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.

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. We are closing this matter with a warning letter because you lost the election and you do not have a prior enforcement history.

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.

You are obligated to continue filing campaign statements until you officially terminate your committee. If your committee is no longer active, you may want to terminate your committee at this time as well. Failure to do so is a violation of the Act. Please be advised that after every filing deadline, your local filing officer refers non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Gov. Code § 91013.)

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