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

April 1, 2011

Ms. Mary L. Harvey
Democrats of Rossmoor
REDACTED

Warning Letter Re: FPPC No. 11/0148; Democrats of Rossmoor; Mary L. Harvey

Dear Ms. Harvey:

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 referral from the Secretary of State that alleged you failed to file your committee's electronic campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file semiannual campaign statements for the following period(s):

– January 1, 2010 through June 30, 2010 (Due August 2, 2010)
– July 1, 2010 through December 31, 2010 (Due February 1, 2010)

Section 84605 of the Act requires that candidates, and committees that cumulatively receive contributions or make expenditures totaling twenty-five thousand dollars or more, shall file online or electronically.

Your actions violated the Act because you failed to file the aforementioned campaign statement(s) electronically. However, since your committee recently qualified as an electronic filer and has otherwise had a positive history of filing statements on-time in the paper format, we are closing your case with this warning letter. Please note that since you qualified as an electronic filer on January 1, 2010, you must commence filings for all campaign statements in both paper and electronic formats.

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.

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[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.

Although the FPPC is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements with the Secretary of State and continue filing them until you officially terminate your committee. You will be responsible for any late filing fees assessed by your filing officer. (§ 91013.)

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 will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention.

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 any of these publications, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (866) 275-3772 or visit our website at www.fppc.ca.gov.

Should you have any questions regarding this letter, contact Jeanette E. Turvill at (916) 322-8194.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Chris Reynolds, Acting Chief, Political Reform Division Secretary of State

GSW:JT:tf