FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
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June 22, 2011

Mr. James B. Sibley, Treasurer
Sibley for Judge 2010

REDACTED

Warning Letter Re: FPPC No. 11/360, Sibley for Judge, James B. Sibley, Treasurer

Dear Mr. Sibley:

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 your filing officer that alleged you failed to timely file two 2010 semi-annual campaign statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file two semi-annual campaign statements (Form 460) for the period May 24, 2010 through June 30, 2010 and the period July 1, 2010 through December 31, 2010.

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 semi-annual statements on July 31 and January 31 of each year reporting activity for the prior six month period. (Section 84200). Additionally, you would continue to file campaign statements until you terminate your committee.

Your actions violated the Act because you failed to file semi-annual campaign statements for the period May 24, 2010 through June 30, 2010 by the August 2, 2010 deadline and for the period July 1, 2010 through December 31, 2010 by the January 31, 2011 deadline. Since you

[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.

have no prior violations of the Act, and because it appears that your committee has very few funds left and you were defeated in the election, we are closing our file on this matter.

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.

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

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

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Gary S. Winuk
Chief, Enforcement Division

GSW:jd
cc: Ms. Crystal Bertheau, Program Coordinator
County of Santa Cruz