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

July 15, 2011

Willie K. Kelly Jr.
Friends of Willie Kelly 2010 SUSD
REDACTED

Lori Giovanetti
Friends of Willie Kelly 2010 SUSD
REDACTED

Warning Letter Re: FPPC No. 11/322, Friends of Willie Kelly 2010 SUSD

Dear Friends of Willie Kelly 2010 SUSD, Mr. Kelly and Ms. Giovanetti:

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 complaint filed against Friends of Willie Kelly 2010 SUSD by the San Joaquin County Registrar of Voters Office that alleged Friends of Willie Kelly 2010 SUSD failed to file a semiannual campaign disclosure statement.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Friends of Willie Kelly 2010 SUSD failed to file a semiannual campaign disclosure statement for the period covering 10/17/10 until 12/31/10 with San Joaquin County Registrar of Voters Office which was due on 1/31/11. The failure to file your semiannual campaign statements by the filing deadline was a violation of the Act.

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. (Section 84200.) Friends of Willie Kelly 2010 SUSD is obligated to continue filing campaign statements until the date it officially terminates.

[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.

Your action violated the Act because you failed to file your semiannual campaign statement by the filing deadline. However, because you have no prior violations of the Act, we are closing your case with this warning letter. 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.

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. (Section 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 me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW:jy