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

July 19, 2010

James Hormel
REDACTED

Warning Letter Re: FPPC Case No. 10/246, James Hormel

Dear Mr. Hormel:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged you did not electronically file a major donor report.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you did not file the required major donor statement (Form 461) electronically on the due date of February 2, 2010.[2]

The Act provides that failing to file the electronic version of a filing when required is a violation. Specifically, the Act requires committees that reach a certain threshold of activity to file electronically with the Secretary of State. Section 84605(b), in pertinent part, requires a state general purpose committee[3] that cumulatively makes expenditures, defined in Section 82025 to include contributions, totaling $50,000 or more to support or oppose a state measure to file electronically. Your contributions for 2008 exceeded the $50,000 threshold for electronic filing.

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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.

[2] Because the January 31, 2009, deadline fell on a Saturday, the due date was adjusted to the next business day.

[3] Defined to include major donors, meaning persons that make contributions of $10,000 or more in a calendar year. (See GC §§ 82013(c) and 82027.5.)

Your actions violated the Act because you failed to file your major donor report electronically. Because, however, you filed a paper version of the major donor report and, thus, did not appear to be avoiding disclosure, we have decided to close this case. ***However, you must immediately electronically file the major donor report with the Secretary of State.***

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.

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.

If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

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cc: David Llewellyn