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

July 20, 2010

Mr. Charles Schaupp
Charles Schaupp for Assembly
REDACTED

Mr. Calvin DeKinikker
Charles Schaupp for Assembly
REDACTED

Warning Letter Re: FPPC No. 10/480; Charles Schaupp for Assembly; Charles Schaupp, Calvin DeKinikker, Respondent(s)

Dear Messrs. Schaupp and DeKinikker:

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 referral from the Office of the Secretary of State that alleged that you and your committee Charles Schaupp for Assembly (ID# 1301526) failed to file campaign disclosure statements either in paper format or electronically.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the last campaign statement filed by Charles Schaupp for Assembly (ID# 1301526) was for the period ending December 31, 2009 and that the committee has not filed any campaign statements, either in paper format or electronically, since that time.

Your committee Charles Schaupp for Assembly 2010 filed preelection campaign statements in connection with the June 8, 2010 Statewide Primary Election. The committee which is the subject of this letter, Charles Schaupp for Assembly, was required to file campaign

[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 18109 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.

statements, both in paper format and electronically, on the same election schedule as the 2010 committee.[2]

Your actions violated the Act because the Charles Schaupp for Assembly committee failed to file preelection campaign statements by the respective March 22, 2010 and May 27, 2010 preelection deadlines. Since your committee, Charles Schaupp for Assembly 2010, did file its statements in both paper and electronic formats, we are closing this matter with a warning letter.

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.

Your committee must file these preelection campaign statements in both paper format and electronically with the Secretary of State, as well as a paper copy with your local filing officer by July 31, 2010. Since there does not appear to be a significant amount of year end activity with the Charles Schaupp for Assembly committee, and the 2010 committee filed its paper and electronic filings timely, we are closing this matter with a warning letter.

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,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

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[2] A candidate or elected officer shall, in addition to any other requirements related to the filing of campaign statements, file campaign statements for any other committee he or she controls, including an officeholder account committee, a legal defense fund committee, or a ballot measure committee, on the dates the candidate or elected officer is required to file preelection statements. (Regulation 18405(a)(1).)