FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
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August 30, 2010

Mr. Modesto Martinez
San Miguel Firefighters Local #1434

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Warning Letter Re: FPPC No. 10/476, San Miguel Firefighters Local #1434; Modesto Martinez, Treasurer, Respondent(s)

Dear Mr. Martinez and Committee:

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 alleges that your committee has failed to file campaign statements in electronic version.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you have failed to file the following campaign statements, in electronic format, by their filing deadline:

Type of Statement	Period Covered	Due
Pre-election Statement	October 2, 2008 – October 18, 2008	October 23, 2008
Semi-annual Statement	October 18, 2008 – December 31, 2008	February 2, 2009
Semi-annual Statement	January 1, 2009 – June 30, 2009	July 31, 2009
Semi-annual Statement	July 1, 2009 – December 31, 2009	February 1, 2010

[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.

Additionally, although not part of the referral from the Office of the Secretary of State, we noted that you have failed to file your semi-annual campaign statement for the period January 1, 2010 through June 30, 2010 by the August 2, 2010 deadline in either electronic or paper format.

The Act provides that campaign disclosure statements must be filed by certain deadlines disclosing the activity of the committee. Specifically, the Act provides that semi-annual statements must be filed January 31 and July 31 for the previous six-month period, except during a pre-election reporting cycle, when statements are generally due 45 days before the election and 12 days before the election. (Sections 84200, 84200.5 and 84200.7.) Once a state general purpose committee has cumulative expenditures or contributions of $50,000 or more since January 1, 2000, the committee is required to file its campaign statements in electronic format, as well as the existing requirement to file in paper format. (Section 84605.)

Your actions violated the Act because although your committee filed its paper copies as noted above, the electronic versions of those statements were not filed with the Office of the Secretary of State. Since you filed those statements in paper format, we are closing this matter with a warning letter. Additionally, while not part of the referral from the Secretary of State, we noted that the committee has yet to file its semi-annual statement in either paper format or electronically for the period January 1, 2010 through June 30, 2010 by the August 2, 2010 deadline.

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.

You must immediately file the campaign statements noted above in their electronic and paper format with the Office of the Secretary of State.

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