FAIR POLITICAL PRACTICES COMMISSION
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October 4, 2011

✓Joe Symmon
REDACTED

Joe Symmon for Governor 2010
c/o Rosemary Perich
REDACTED

Warning Letter
Re: FPPC No. 10/853, Joe Symmon, and Joe Symmon for Governor 2010

Dear Dr. Symmon, and Joe Symmon for Governor 2010:

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 California Secretary of State that alleged that you failed to file a pre-election campaign statement for the reporting period of March 18 through May 22, 2010, which was due 05/27/2010.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a pre-election campaign statement for the reporting period of March 18 through May 22, 2010, which was due May 27, 2010, you failed to disclose the street addresses for expenditures in the pre-election campaign statement you filed for the reporting period of January 1 – March 17, 2010, you failed to file a semi-annual campaign statement for the reporting period of May 23 – June 30, 2010, which was due August 2, 2010, and you failed to terminate Joe Symmon for Governor 2010.

The Act requires committees to file semi-annual campaign statements as specified in Section 84200. Additionally, the Act requires committees to file pre-election campaign statements as specified in Sections 84200.5 through 84200.8. Section 84200.7, subdivision (a) provides for the filing of two pre-election campaign statements covering two reporting periods prior to elections held in June of an even-numbered year. The reporting period for the first pre-election campaign statement ends March 17. This first pre-election campaign statement must be filed no later than March 22. (Section 84200.7, subd. (a)(1).) The reporting period for the second pre-election campaign statement runs from March 18 through 17 days before the election.

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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.

This second pre-election campaign statement must be filed no later than 12 days before the election. (Section 84200.7, subd. (a)(2).) The election applicable to this matter was June 8, 2010.

Section 84211, subdivision (b) requires a committee to disclose in each of its campaign statements the total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made, and to disclose the name and address for each person to whom an expenditure of $100 or more has been made during the period covered by the campaign statement, as well as the amount and a brief description of the expenditure. Lastly, committees are required to be terminated pursuant to Section 84214 and Regulation 18404.

Your actions violated the Act because, as a candidate and candidate controlled committee for governor in the June 8, 2010 primary election, you failed to file a pre-election campaign statement for the reporting period of March 18 through May 22, 2010, which was due May 27, 2010, you failed to disclose the street addresses for expenditures in the pre-election campaign statement you filed for the reporting period of January 1 – March 17, 2010, you failed to file a semi-annual campaign statement for the reporting period of May 23 – June 30, 2010, which was due August 2, 2010, and you failed to terminate Joe Symmon for Governor 2010.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Angela J. Brereton
Senior Commission Counsel
Enforcement Division