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

October 11, 2011

Jack Feller, Oceanside City Council Member
REDACTED

RE: **Warning Letter**
Jack Feller; FPPC No. 11/793

Dear Mr. Feller:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act)[1] found in Government Code section 81000, and following. The Enforcement Division opened a pro-active case against you, investigating whether you failed to disclose a source of income on your Annual Statement of Economic Interests (SEI).

The FPPC has completed its investigation of the facts of this case. Specifically, the FPPC found that you failed to disclose poker tournament winnings as a source of income on your 2010 Annual SEI, from Oceans Eleven Casino, which does business in your jurisdiction.

Section 82030, subdivision (a), defines income, in part, as "a payment received." Section 87203 requires that those who are elected to an office specified in Section 87200, including city council members, each year must file an Annual SEI disclosing income received during the specified reporting period. Section 87202 provides that when income is required to be reported, the SEI must include any source of income aggregating $500 or more.

You violated the Act because you failed to timely report a source of income on your 2010 Annual SEI. However, because you filed an amendment to your 2010 Annual SEI, you cooperated with the Enforcement Division, and you had a good faith belief that the payments did not have to be reported from the Casino, we are closing our file with this 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. Your failure to comply with the provisions of the Act in the future may result in an enforcement action against you, including monetary penalties of up to $5,000 for each violation.

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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.

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 a 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 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 website 10 days from the date of this letter.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, 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.

If you have questions regarding this matter, please contact me at (916) 324-8787.

Sincerely,

REDACTED

Bridgette Castillo
Commission Counsel
Enforcement Division