



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 8, 2019

Susan Gapinski
Patricia Shuff, Treasurer
o/b/o Gapinski for City Council 2016
[REDACTED]
[REDACTED]

Also sent via email at: [REDACTED]

Warning Letter Re: FPPC No. 2019-00824; Gapinski for City Council 2016, Susan Gapinski, and Patricia Shuff

Dear Ms. Gapinski, Ms. Shuff, and Committee:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a referral from your filing officer that alleged you and Gapinski for City Council 2016 (the “Committee”) failed to timely file semi-annual campaign statements covering the calendar year of 2018 by their respective due dates.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you and the Committee failed to timely file semi-annual campaign statements for the reporting periods of January 1, 2018 through June 30, 2018 by the July 31, 2018 due date, and July 1, 2018 through December 31, 2018 by the January 31, 2019 due date.

The Act requires committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The obligation to file semi-annual campaign statements continues until the candidate or treasurer terminates the committee. Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84200.

³ Sections 83116.5 and 91006.

Your actions violated the Act because you and the Committee failed to timely file two semi-annual campaign statements by their respective due dates of July 31, 2018 and December 31, 2019. However, since you filed the campaign statements immediately after being contacted by the Enforcement Division, had minimal reportable activity disclosed on the campaign statements, have since terminated the Committee, were an unsuccessful candidate in the November 6, 2018 General Election, and due to extenuating medical circumstances, we are closing this case with this warning letter rather than issuing a fine.

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 Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact Chloe Hackert at (916) 322-8190 or chackert@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Galena West".

Galena West, Chief
Enforcement Division

GW/ ch

cc: City of Fullerton