



FAIR POLITICAL PRACTICES COMMISSION

128 I Street • Suite 520 • Sacramento, CA 95814-2329

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January 18, 2013

Ms. Jacqui Irwin

Mr. Jon Irwin, Treasurer

✓ Re-Elect Jacqui Irwin to Thousand Oaks City Council 2012

REDACTED

Re: Warning Letter

FPPC No. 12/895: Jacqui Irwin; Re-Elect Jacqui Irwin to Thousand Oaks City Council 2012; and Jon Irwin, Treasurer

Dear Ms. and Mr. Irwin:

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 complaint filed against you that alleged you and your committee failed to timely file a Late Contribution Report. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you received a late contribution and failed to file the Late Contribution Report, Form 497, within 24 hours of receiving the contribution.

Under the Act, once a candidate or committee receives a contribution, including a loan of the candidate's personal funds, of \$1,000 or more during the 16-day period prior to an election, the candidate or committee is required to report the late contribution within 24 hours of receipt. (Section 84203.) A late contribution is defined as any contribution, including a loan, that totals in the aggregate \$1,000 or more and is made to or received by a candidate, or a controlled committee, before the date of the election at which the candidate is to be voted on but after the closing date of the last campaign statement required to be filed before the election. (Section 82036(a).)

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.

Your actions violated the Act because your campaign received a late contribution in the form of a loan during the late filing period for the November 6, 2012 Thousand Oaks City Council election and failed to file the Late Contribution Report within 24 hours of receiving the loan as required by section 84203. However, because the loan was from your personal funds, you filed the report prior to receiving notification of the complaint, and you do not have an enforcement history, 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.

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.

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

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

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Gary S. Winuk
Chief, Enforcement Division

GSW/tr

cc. John Fonti