



FAIR POLITICAL PRACTICES COMMISSION

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April 9, 2015

California Political Attorneys Association
c/o Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

Dear Mss. Fishburn, Skelton, Yin and Messrs. Bell, Davidson and Hertz:

It was a pleasure meeting with members of the Enforcement Committee of the California Political Attorneys Association in January. Your commitment to fairness and due process in the FPPC's enforcement function is invaluable.

We have reviewed your March 10, 2015 letter summarizing your concerns as to some of the FPPC's enforcement policies and procedures. You will be pleased to learn that some of your suggestions are currently in various stages of implementation. In particular:

- **Subpoenas.** As provided for under the relevant regulations, Executive Director Erin Peth is now issuing subpoenas on behalf of the Commission. If the executive director is unable or unavailable to perform this function, the authority will be delegated to the general counsel or an attorney from the Legal Division. We agree that having the executive director maintain this authority provides the appropriate checks and balances in the process.
- **Streamlined Enforcement Policies.** Acting Chief of Enforcement Galena West is currently working on proposed guidelines for the streamlined enforcement cases, and will be presenting the proposal to the Commission for approval at an upcoming hearing. Once the proposal is public, we welcome your comments. We believe a more formalized set of streamlined enforcement policies will enhance fairness, consistency, and transparency in the process.
- **Advisory and Warning Letters.** As you know, the law is clear that only the Commission may deem a decision precedent for policy or legal reasons, and the Enforcement Division is not authorized to make "regulatory policy" by issuing advisory and warning letters. However, to avoid any appearance that the letters are endorsed by the Commission, explicitly or implicitly, we are drafting a stronger disclaimer to clarify that the letters are actions solely by the Enforcement Division and have no precedential value. In addition, if the Committee believes there is a particular area of law where the Enforcement Division has deviated from the law or regulations, we encourage you to bring it to the Commission's attention for further review and possible regulatory amendments.

We will reassess some of your other suggestions for potential changes in our enforcement procedures after we select the new chief of enforcement. We hope to complete the process in the near future.

Thank you again for your time and efforts to assure the effective administration of the Political Reform Act.

Sincerely,



Jodi Remke
Chair