



FAIR POLITICAL PRACTICES COMMISSION

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

December 30, 2014

Mr. John Hardin
Taxpayers Against Wasteful PUSD Spending



Warning Letter Re: FPPC No. 14/1320; Taxpayers Against Wasteful PUSD Spending;
✓ John Hardin, Respondent(s)

Dear Mr. Hardin:

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 sworn complaint filed against you that alleged you failed to file a statement of organization within 10 days of receiving a contribution to your independent expenditure committee in connection with the Porterville School District Bond measure at the November 2014 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you ceased to be an independent expenditure committee on October 28, 2014 when you received a \$3,000 contribution from another person. At that time, you became a recipient committee with additional, and different, campaign filing obligations.

The Act defines "committee" to be, among other things, any person that makes independent expenditures totaling \$1,000 or more in a calendar year, referred to as an independent expenditure committee or any person that receives contributions totaling \$1,000 or more in a calendar year, referred to as a recipient committee. (Section 82013(a) and (b).) Each t

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.

type of committee has unique campaign disclosure obligations. For instance, a person who is an independent expenditure committee files campaign statements disclosing the monies they have spent to support or oppose a candidate or measure. However, a committee that is a recipient committee reports not only the monies spent to support or oppose a candidate or measure, but also the contributions it has received from others.

Your actions violated the Act because you ceased to be an independent expenditure committee on October 28, 2014 just days before the election when you received a \$3,000 contribution from another person. At that time, your campaign reporting obligations changed. You were contacted concerning this change in the character of your committee and in response you immediately filed the correct campaign statements and made amendments to the previously filed statements as directed by staff to do. Since you immediately filed those statements when requested to do so, and since you did report the receipt of that contribution on an independent expenditure report prior to the election, we are closing our file on this matter.

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,

A black rectangular redaction box covering the signature of Gary S. Winuk.

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Richard Morris