



## FAIR POLITICAL PRACTICES COMMISSION

428 F Street • Suite 620 • Sacramento, CA 95814-2429

916. 322-5660 • Fax: 916. 322-0886

January 15, 2013

✓ Senator Robert Dutton

**REDACTED**

Senator Bob Dutton 2008 Officeholder Account

**REDACTED**

**Warning Letter Re: FPPC Case No. 13/002, Robert “Bob” Dutton and Senator Bob Dutton 2008 Officeholder Account**

Dear Senator Dutton:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a newspaper article and our subsequent investigation regarding the possibility you may have violated the Act’s prohibitions regarding personal use of campaign funds.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you, Senator Dutton, and your committee, Senator Bob Dutton 2008 Officeholder Account, violated section 89516 when you purchased a vehicle with campaign funds held by this committee.

The Act’s “personal use” provisions govern the use of campaign funds by committees and those authorized to expend the committee’s funds, including the committee’s controlling candidate or officeholder, with a view to preventing undue personal benefit accruing to that person through expenditures of the funds. (Sections 89510-89519).

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<sup>1</sup> 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.

Specifically, section 89516 prohibits the use of campaign funds to purchase a vehicle if title to the vehicle is held by the elected officer controlling the committee. (GC § 89516.) Your actions and the committee's actions violated the Act because you used the committee's campaign funds to purchase a vehicle for which title was held by "Robert Dutton or Senator Bob Dutton Officeholder Account." However, because, as you stated, the title was jointly held by you and the committee in order to obtain insurance for the vehicle, and because you have since sold the vehicle and returned the funds from the sale to the committee Senator Bob Dutton Officeholder Account, we are closing your case with this warning letter. 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 Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,



Gary S. Winuk  
Chief, Enforcement Division

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