



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

January 29, 2015

Sidney Williams
[REDACTED]
[REDACTED]

Warning Letter Re: FPPC Case No. 15/049; In the Matter of Sidney Williams

Dear Mr. Williams:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),¹ found in Government Code section 81000, et seq. This letter is in response to a matter brought to our attention by the City Clerk for the City of Seaside in which a mailer opposing a candidate for Seaside City Council in the November 2014 election was sent without the subsequent filing of a Late Independent Expenditure Report and the requisite identification and disclaimers on the mailer. The FPPC has completed its investigation of the facts in this matter. Specifically, the FPPC found that you violated the Act’s independent expenditure disclosure and disclaimer provisions with regarding to sending the mailer in question.

The Act provides that committees² making an independent expenditure,³ of \$1,000 or more in what is called the “late period,” the period 90 days before an election, must file a Late Independent Expenditure Report (Form 496) within 24 hours of making the expenditure, which is either when the communication is made, or when payment for the communication is made, whichever occurs earlier. The Late Independent Expenditure Report must be filed in the same place that a committee primarily formed to support or oppose the candidate or ballot measure would be required to file its campaign statements. (GC §§ 82036.5 and 84204(c).) Additionally, a mailing to more than 200 recipients paid for by an independent expenditure must include 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.

² “Committee,” under the Act, includes individuals, such as yourself, making independent expenditures totaling \$1,000 or more in a calendar year (see GC § 82013, subd. (c)).

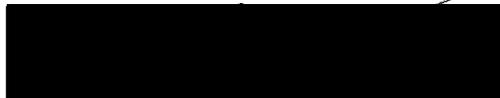
³ “Independent expenditure” includes an expenditure made by a person in connection with a communication that expressly advocates the defeat of a clearly identified candidate but which is not made to or at the behest of the candidate’s opponent. (GC § 82031.)

statement that it was not authorized by a candidate or a committee controlled by a candidate. (GC § 84506.5 and Regulation §18450.1.) Further, the Act requires that any mass mailing (more than 200 substantially similar pieces of mail sent in a calendar month) must contain the name and address of the sender. (GC §§ 82041.5 and 84305; Regulation 18435.) Your committee's actions violated the Act because you failed to file the Form 496 within 24 hours disclosing the \$1,400 independent expenditure you sent to oppose candidate Jason Campbell in the 90 days before his election to Seaside City Council as well as failed to both insert a statement in the mailer disclosing that the independent expenditure was not authorized by a candidate and disclose yourself as sender of the mailer. However, because, in addition to having no prior Enforcement cases, you quickly filed the required campaign statements upon receiving notice from our office, 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. 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 or visit our website at www.fppc.ca.gov.

Please feel free to contact Adrienne Korchmaros at (916) 322-8241 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:AK:ak