



FAIR POLITICAL PRACTICES COMMISSION

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

February 7, 2013

✓ Mr. Tim Sbranti
Tim Sbranti for Assembly 2014

REDACTED

Ms. Rita Copeland
Tim Sbranti for Assembly 2014

REDACTED

Warning Letter Re: FPPC No. 13/1383; Tim Sbranti for Assembly 2014; Tim Sbranti and Rita Copeland, Treasurer, Respondent(s)

Dear Mr. Sbranti and Ms. Copeland:

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 that alleged you failed to transfer contributions from each of your mayor's committees to your Assembly 2014 committee using the appropriate attribution method required under the Act. The complainant also alleged that contributions originally received from a business entity were attributed to the business owner, or vice versa, when reported by the assembly committee.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to properly report on your Assembly 2014 campaign statement the original date a contribution was received by your respective mayor's committee. The FPPC has found that in some instances, a contribution from a business was attributed to the owner of the business, and in some instances a contribution from an individual was attributed to the individual's business.

Under the Act, when a candidate with an existing committee transfers funds to a committee for elective state office, the funds transferred to the new committee must be attributed

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.

to specific donors using a “last in, first out” or “first in, first out” accounting method to ensure that the state committee will not receive additional funds from the same contributor that would exceed the applicable contribution limit. (Section 85306; Regulation 18536.)

The semi-annual campaign statement you originally filed for the period January 1, 2013 through June 30, 2013 reported the attribution of contributions to the original contributors using the date of July 16, 2010, for contributions from your 2010 mayoral committee, or September 5, 2012, for contributions from your 2012 mayoral committee. These dates did not reflect the date that each mayoral committee originally received contributions from specific donors.

Your actions violated the Act because you failed to use an appropriate attribution method and report the original date a contribution was received. You indicated that due to extenuating circumstances surrounding the terminal illness of your long-time treasurer, your new treasurer relied on previously prepared spreadsheets that not only contained the incorrect dates, but also transposed the true contributor in the case of contributions from a business, or from a business owner. You have now amended your campaign statement to reflect the accurate date of receipt and correct contributor in the case of contributions from a business or its owner.

Since the amount of “per donor” contribution that was transferred into the assembly committee was a relatively small amount and did not appear close to exceeding the contribution limit, and since these contributions were publicly available on each of the mayor’s campaign statements, we are closing 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.

Signed:

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/jt

cc: Mr. Barry Fadem