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

February 10, 2015

Shelly K. Masur
Community for Shelly Masur for Supervisor 2012
[redacted]

Re: Warning Letter
FPPC No. 14/597: Shelly Masur; Community for Shelly Masur for Supervisor 2012; and Jeffrey Ira, Treasurer

Dear Ms. Masur,

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to an audit (the "Audit") performed by the Franchise Tax Board ("FTB") of your controlled committee, Shelly Masur for Supervisor 2012 ("Respondent Committee"), the results of which have been referred to this agency. The Audit alleged that you, Respondent Committee, and Respondent Committee's treasurer, Mr. Jeffrey Ira ("Respondent Treasurer"), violated the Act by failing to properly maintain campaign records, in violation of Government Code Section 84104.

The Commission has completed its investigation into the facts in this case. We determined that the violation listed by the FTB was accurately stated in the audit report. However, based on the mitigating factors discussed below, the Commission has decided to close this matter with a warning letter.

According to Section 84211, all campaign statements required by the Act must include, among other things, the name, address and amount contributed by each contributor of $100 or more. To ensure that the information in each campaign statement is accurate, the Act requires each candidate, treasurer, and elected officer to maintain the detailed accounts, records, bills and receipts necessary to establish that campaign

[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.

statements were properly filed in compliance with the campaign reporting provisions of the Act. (Section 84104.) Committees are required to retain the above described campaign records for the lesser of four years following the date on which the relevant campaign statement was filed or two years after the adoption of an audit report conducted by FTB. (Id.)

According to the Audit, your controlled committee received $61,704 in contributions via credit card on the e-commerce platform NGP Van. As you know, when credit card contributions are made to political committees via NGP Van, the required disclosure information provided by the contributor is automatically entered into the committee's NGP Van database for recordkeeping purposes. The data stored by NGP Van appears in the database exactly as it was entered by the contributor. However, as your subscription to NGP Van has terminated, you no longer have access to the necessary records to support the credit card contributor information your committee reported on its campaign statements. That lack of records has precluded the Commission and the FTB from verifying the accuracy of the contributor information you and Respondent Treasurer reported on Respondent Committee's campaign statements.

Nonetheless, the Commission has decided to close this matter with a warning letter based on the mitigating circumstances present in this case. The mitigating circumstances include (1) that you have no prior history of violating the Act, (2) that the potential for misreporting contributor information in this circumstance is not likely given the recordkeeping procedures utilized by NGP Van's reporting software, and (3) that no evidence was found suggesting intent to deceive or conceal contributor information.

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 a Commission 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 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 Commission 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 Commission's website ten (10) days from the date of this letter.

Please feel free to contact me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,

Adam Silver
Commission Counsel
Enforcement Division