



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

February 15, 2012

✓ Mr. Andrew Audet

REDACTED

Re: Warning Letter

Re: FPPC No. 12/052; Hometown Alliance PAC; Robert Bonde, President and Gerald Sodomka, Treasurer; and Andrew Audet

Dear Mr. Audet:

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 filed against you that alleged various violations of the Act.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file an Independent Expenditure Committee and Major Donor Committee Campaign Statement, Form 461, in connection three independent expenditures supporting and opposing candidates running in the City of Encinitas' November 2, 2010 election.

The Act requires that committees file campaign statements at periodic intervals. Specifically the Act provides that committees shall file semi-annual campaign statements. (Section 84200.) The Act defines a committee as a person who makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year. (Section 82013(b).) You qualified as an independent expenditure committee when you made independent expenditures totaling \$3,925 and had an obligation to file the Form 461 by January 31, 2011. You must immediately file the Form 461 with the City of Encinitas.

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.

In addition, the Act requires certain disclosure requirements by committees when making an independent expenditure. Section 84506.5 requires an advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or committee controlled by a candidate. Regulation 18450.1(a)(2)(A) defines an electronic media advertisement as advertisements that appear on Internet webpages. The advertisements that were available on the www.encinitascitizensunited.com and the www.saveelcaminoreal.com websites were required to have the disclaimer the advertisements were not authorized by a candidate or committee controlled by a candidate.

Your actions violated the Act because you failed to file the independent expenditure campaign statement, Form 461, by the specified deadline and you failed to have the proper disclaimer statement on the advertisements supporting Teresa Barth and Tony Kranz, and opposing Dan Dalager. However, because you filed Supplemental Independent Expenditure reports disclosing the independent expenditures prior to the election, and the fact that you do not have an enforcement history, we are closing this matter with a warning letter.

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 Teri Rindahl at (916) 327-2018, with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/tr

cc: Mr. Henry Eiler and Mr. Kenneth Moser