



FAIR POLITICAL PRACTICES COMMISSION

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February 24, 2014

Robert W. MacKenzie, Treasurer

No on Measure A: County of Butte - Medical Marijuana Cultivation Ordinance Referendum,
Citizens for Compassionate Use, PAC & Coalition of Qualified Patients, Growers, Farm Product
& Service Providers

REDACTED

**Warning Letter Re: FPPC Case No. 14/119; No On Measure A: County Of Butte - Medical
Marijuana Cultivation Ordinance Referendum, Citizens For Compassionate Use, PAC &
Coalition Of Qualified Patients, Growers, Farm Product & Service Providers
and Robert W. MacKenzie, Treasurer**

Dear Mr. MacKenzie:

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 sworn complaint, which was forwarded to you previously.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that No on Measure A: County of Butte - Medical Marijuana Cultivation Ordinance Referendum, Citizens for Compassionate Use, PAC & Coalition of Qualified Patients, Growers, Farm Product & Service Providers ("No on Measure A") failed to timely file the Statement of Organization (Form 410) when required and received, and retained, two contributions with insufficient contributor information.

The Act requires any committee receiving contributions totaling \$1,000 or more in a calendar year to file a Statement of Organization (Form 410) within 10 days of qualifying as a recipient committee at the \$1,000 threshold. (Section 84101.) In addition to this requirement, if a committee qualifies as a recipient committee before the date of an election in connection with which the committee is required to file pre-election statements, but after the closing date of the last campaign statement required to be filed before the election, which in this case was May 19,

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.

2011, the committee must file the information on the Statement of Organization with the local filing officer within 24 hours of qualifying as a committee. (See Sections 82013, 84101, and 84215.) Further under the Act, in the campaign statements (usually Form 460) the committee is required to file regularly after organizing as a recipient committee, the name, address, and, if applicable, the occupation and employer of individuals required to be itemized as contributors must be disclosed. (Section 84211.) Committees are required to return any contribution of \$100 or more no later than 60 days after receipt of the contribution if the committee does not have this required information on file. (Section 85700.) Your actions violated these provisions of the Act, first, because No on Measure A became a committee on May 20, 2011, but failed to file the Form 410 with either the Secretary of State or the County of Butte until June 13, 2011, and, second, you failed to either disclose the required contributor information as described above for two donors, Danny Lee and Brandon Lee, or return their contributions when the information was not forthcoming. However, because you have no prior violations of the Act and because No on Measure A has now been terminated, 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.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.) 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,

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Gary S. Winuk
Chief, Enforcement Division

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cc: John Gillander