



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

March 3, 2015

Bernard Simon  
Committee to Elect Bernie Simon  
for City Council 2010



**Warning Letter Re: FPPC No. 15/116, Bernard Simon, Committee to Elect Bernie Simon for City Council 2010**

Dear Mr. Simon:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”),<sup>1</sup> found in Government Code section 81000, et seq. This letter is the result of an audit of the Service Employees International Union Local 721 CTW, CLC Workers Strength Committee (“SEIU Local 721”) conducted by the Franchise Tax Board (“FTB”).

Based on the audit, the Enforcement Division of the FPPC concluded that during your 2010 campaign for San Jacinto City Council, your campaign received a non-monetary contribution from SEIU Local 721 that you failed to disclose on your campaign statement (Form 460). SEIU Local 721 made the non-monetary contribution valued at \$6,466 to your campaign on or about October 15, 2010. The contribution was in the form of mass mailers SEIU Local 721 produced and mailed that supported your candidacy. SEIU Local 721 admitted making the non-monetary contribution and failing to provide you notice of the contribution. (See enclosed FPPC Stipulation, Decision and Order regarding SEIU Local 721.)

Section 84211, subdivision (f) of the Act requires campaign committees and candidates to disclose on their campaign statements all contributions they receive valued at \$100 or more. Under the Act, “contributions” includes any good or services received by a candidate or

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated.

committee at no charge, i.e. non-monetary contributions. (See Regulation 18215, subdivision (b)(3).)

Your campaign statement for the July 1, 2010 through October 16, 2010 statement period did not disclose your receipt of the \$6,466 non-monetary contribution from SEIU Local 721 in violation of Section 84211, subdivision (f).

Despite your violation of the Act, mitigating factors exist such that the FPPC has decided to issue you a warning letter rather than impose a fine. SEIU Local 721 did not provide you with proper notice that it had made a non-monetary contribution to you by producing and sending the mass mailers. Further, you had little contact with SEIU Local 721 and a very limited role in the production of the mass mailers. Also, you have no prior history of violating the Act.

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. 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 FPPC. 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. 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.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

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

Sincerely,

A black rectangular redaction box covers the signature of Dave Bainbridge. A handwritten checkmark is visible above the box, and a handwritten flourish is visible to the right of the box.

Dave Bainbridge  
Senior Commission Counsel

enclosure