



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

March 9, 2015

Thomas Kaptain
Democratic Voters Choice



RE: Closure Letter
FPPC No. 14/1072; Democratic Voters Choice and Thomas Kaptain, ✓
Treasurer

Dear Mr. Kaptain:

The Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”),¹ found in Government Code Section 81000, and following. As you may be aware, the Commission was investigating whether Democratic Voters Choice violated Section 84305.5 by sending a slate mailer without properly disclosing which ballot measures paid and which ballot measures did not pay to appear on the slate mailer.

Section 84305.5, subdivision (a)(4), requires that a slate mailer organization indicate on each slate mailer it sends any ballot measure that paid to appear on the slate mailer by including an asterisk next to the name of the ballot measure that paid to appear on the slate mailer, and that a ballot measure that did not pay to appear on the slate mailer not be designated with an asterisk.

Democratic Voters Choice, a slate mailer organization, produced and sent a slate mailer which supported a number of candidates and ballot measures in the June 3, 2014, primary election. The slate mailer indicated that Proposition 41 and Proposition 42 paid Democratic Voters Choice to appear on the slate mailer. However, Democratic Voters Choice never received a payment from Proposition 41 or Proposition 42 to appear on the slate mailer, and therefore you and Democratic Voters Choice violated Section 84305.5, subdivision (a)(4).

We have concluded our investigation and are closing this matter without pursuing a fine because the evidence indicates that your violation of Section 84305.5, subdivision (a)(4), was inadvertent and that you had no intention of misleading the public, and because you and Democratic Voters Choice already received a warning letter from the Commission for a violation related to this particular slate mailer. (FPPC No. 14/496, dated June 26, 2014.)

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 18109 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.

If you have any questions regarding this matter, please feel free to contact me at 916-327-6357.

Sincerely,



Milad Dalju
Commission Counsel
Enforcement Division