



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

March 1, 2013

Anne Scott, Treasurer
Save Our Small-Town Calistoga

REDACTED

Warning Letter Re: FPPC Case No. 13/0066, Save Our Small-Town Calistoga and Anne Scott, Treasurer

Dear Ms. Scott:

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 alleging you and your committee may have violated the Act's requirement that a committee formed primarily to oppose a measure must identify in the committee name the name of the measure and that the committee is in opposition of the measure.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee violated the Act's requirements that a primarily formed committee be properly identified as well as the Act's naming requirements for a primarily formed committee.

The Act requires that a committee primarily formed to support or oppose a measure identify itself as such on their Statement of Organization. (GC §§ 82047.5 and 84101 and Reg. § 18247.5) The Act also requires that any committee that is primarily formed to oppose a ballot measure include a statement of that opposition in any reference to said committee. (GC § 84107 and Reg. § 18247.5).

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.

Your actions and your committee's actions violated the Act because you failed to identify the committee Save Our Small-Town Calistoga as primarily formed to oppose Measure B and, instead, identified the committee as a general purpose committee on the committee's Form 410, Statement of Organization, without amending the Form 410 in a timely fashion. (GC §§ 82047.5 and 84101 and Regulation §§ 18247.5 and 18531.5.) However, because neither you nor the committee has prior violations of the Act and because you quickly amended the statements when notified, 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.

Please feel free to contact Robert Cosgrove at (916) 327-6358 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW:AK:rc

cc: Jack T. Gingles