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

March 21, 2014

James C. Harrison
Remcho, Johansen & Purcell, LLP
o/b/o Supervisor Lou Calcagno et al.

REDACTED

Warning Letter
FPPC Case No. 13/1213, Lou Calcagno, Committee to Re-Elect Lou Calcagno for Supervisor 2010, and Alan Stark, Treasurer

Dear Mr. Harrison:

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 complaint received by the FPPC regarding possible mass mailing identifications violations of the Act's requirement that the committee sending a mass mailing be identified properly on the mass mailing as well as possible violations of the local rules and ordinances.[2]

We found that the mailings Supervisor Calcagno and his campaign committee, Committee to Re-Elect Lou Calcagno for Supervisor 2010, (the "Committee") sent out on or about April, 2011, which were reported on his Semi-Annual Campaign Statement for the period January 1, 2001 through June 30, 2011, contained improper sender identification.

The Act prohibits "mass mailings," defined in Section 82041.5 as 200 or more substantially similar pieces of mail, from being sent out without being properly identified with the name and address of the sender in no less than 6-point type in a color or print contrasting with the background and easily legible. (Section 84305.) Regulation 18435 adds that this

[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.

[2] The FPPC has no jurisdiction regarding local rules and ordinance violations in Monterey County.

required identification shall be preceded by the words "Paid for by," which will be in the same size and color and shall be immediately adjacent to and above (or in front of) the required identification.

Supervisor Calcagno's and the Committee's actions violated the Act because his campaign committee was the "sender" under Regulation 18435 and Section 84305 of the mass mailings sent on or about April, 2011; however, the identification within the mailing was improper. The requirements of Section 84305 regarding the proper identification of the name and address of the sender were on one page of the mailer and wording complying with the "Paid for by" requirement was on another page, where Regulation 18435 clearly requires this identification of who paid for the mailer to be immediately adjacent to the sender identification for easy detection. However, since all of the information was present on the mailer, although improperly placed, and the mailings were properly reported, we are closing this 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 me at (916) 322-5796 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Galena West
Commission Counsel IV
Enforcement Division