



FAIR POLITICAL PRACTICES COMMISSION

1381 Street • Suite 920 • Sacramento, CA 95814-2329

(916) 322-5600 • Fax (916) 322-0886

March 29, 2010

✓ Judy Dunlap

REDACTED

Warning Letter Re: FPPC No. 08/035; Committee to Elect Judy Dunlap Mayor and Judy Dunlap

Dear Ms. Dunlap:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to complaint against you that you failed to report nonmonetary contributions made in December 2006 and January 2007 in connection with your January 9, 2007 election. Specifically, that you made cash payments to campaign workers, received nonmonetary contributions of phone bank services from local real estate developers and received nonmonetary contributions of food from a restaurant, El Puerto Escondito.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report the receipt of food, worth more than \$100, received on January 9, 2007. You provided evidence that you paid, or attempted to pay, all known individuals whose personal services would otherwise have resulted from a contribution because they provided personal services to your campaign by worked with your phone banks. Additionally, you provided evidence that all expenditures of \$100 or more made by you were made via check. Because you cooperated fully with this investigation and because it does not appear that significant public harm resulted from your failure to report receipt of the food consumed by your campaign staff, we are closing this case with a Warning Letter.

Failing to report contributions to your campaign is prohibited. The Act requires candidates and their controlled committees to disclose contributions received during the period covered by their campaign statements. Section 82015, subdivision (a), defines "contribution" as

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.

any payment made for political purposes for which full and adequate consideration is not made to the donor. FPPC Regulation 18420 provides that the payment of salary, reimbursement for personal services or other compensation by an employer to an employee who spends more than 10% of their compensated time in any one month rendering services for political purposes is a contribution.

Section 84300 prohibits cash expenditures of one hundred dollars (\$100) or more.

Your actions violated the Act because you accepted an unsolicited contribution of food from a restaurant, El Puerto Escondito, who brought food to your campaign office on election night, January 9, 2007, which was consumed by campaign workers and other individuals at your campaign office. This food most likely had a fair market value of over \$100.

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. 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.

If you have any questions regarding this matter, please contact me at 916-327-2019.

Sincerely,

- REDACTED

Ty D. Moore)
Enforcement Division