



FAIR POLITICAL PRACTICES COMMISSION

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

April 20, 2015

Elen Asatryan
Armenian National Committee of America/Western Region

[REDACTED]
[REDACTED]

Advisory Letter

**Re: FPPC No. 14/565, In the Matter of Armenian National Committee of America,
Western Region**

Dear Ms. Asatryan:

The Enforcement Division of the Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter concerns two complaints received by the Commission alleging that prior to the November 6, 2012 general election, the Armenian National Committee PAC ("ANC PAC") produced and distributed campaign literature expressly advocating for candidates on the November 6, 2012 ballot. Our investigation of the complaints indicated that the campaign literature mentioned in the complaint was produced by your organization, the Armenian National Committee of America/Western Region ("ANCA-WR"), not ANC PAC. However, we found insufficient evidence demonstrating that ANCA-WR violated the Act in this particular circumstance. Therefore, we have decided to close this matter with an advisory letter.

Under the Act, an organization becomes a "committee" when it makes independent expenditures of \$1,000 or more in a calendar year.² An "expenditure" is a payment made for political purposes.³ This includes payments made by a non-political organization for a communication that "expressly advocates the nomination, election or defeat of a clearly identified candidate, or the qualification, passage or defeat of a clearly

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 Section 82013, subd. (b).

³ Section 82025; Regulation 18225(a).

identified ballot measure.⁴ Once an organization passes the \$1,000 threshold they are subject to the Act's reporting requirements.

The Act defines an advertisement as "any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or ballot measures."⁵ Independent expenditures that fall under this definition, such as flyers, door hangers or other campaign literature and/or paraphernalia that expressly advocate for the nomination, election or defeat of a candidate or measure, must state on their face the name of committee who paid for them and include a disclaimer stating that the advertisement was not authorized by a candidate or a committee controlled by a candidate.⁶

ANCA-WR is a non-profit 501(c)(4) social welfare organization whose goal is to further the concerns of the Armenian American community on a broad range of issues. It is not registered as a California state political committee. Our investigation of the complaint indicated that ANCA-WR paid to have two sets of door hangers produced in anticipation of the 2012 general election. One of the sets expressly advocated for the election of several state and local candidates, while the other provided general information on registering to vote. Invoices provided by the print house that produced the hangers indicated the cost of each set, but did not specify which image appeared on the respective sets. As only one of the two sets exceeds the \$1,000 threshold, there is insufficient evidence to demonstrate that ANCA-WR failed to file as an independent expenditure committee or committed any other violations of the Act.

Although we are closing this matter with this advisory letter, the information in this case will be retained and may be used against you should an enforcement action become necessary due to newly discovered information or failure to comply with the Act in the future. Failure to comply with the Act in the future may result in the imposition of administrative or civil penalties against you. Also, certain violations of the Act may be prosecuted by law enforcement agencies as criminal offenses.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

A black rectangular redaction box covering the signature of Adam Silver.

Adam Silver
Commission Counsel
Enforcement Division

⁴ Regulation 18225(b).

⁵ Section 84506

⁶ Section 84506; Section 84506.5