



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

April 21, 2015

Mr. Burton Birge

Ms. Cheryl Birge



RE: Warning Letter  
FPPC No. 14/1404; Burton Birge, Cheryl Birge

Dear Mr. and Ms. Birge:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”) found in Government Code Section 81000, and following. Section 83123.5 was added to the Act to allow the Commission to have primary responsibility for the impartial administration, implementation, and enforcement of the County of San Bernardino Campaign Finance Reform Ordinance (the “Ordinance”). The Commission is authorized to be the civil prosecutor of the Ordinance. The Commission and the County of San Bernardino entered into a contract for these services effective for the term of January 1, 2013 through December 31, 2014. Under this contract, the Commission agreed to audit each candidate campaign committee for elected county offices to detect violations of the Act and the Ordinance. As you may be aware, the Enforcement Division conducted an audit of Randolph B. Beasley and Beasley for Supervisor 2014, a campaign to which you both contributed. The Enforcement Division has decided to close this case with this warning letter.

Specifically, we found that you each made cash loans of \$4,100, on or about March 07, 2014 to Randolph B. Beasley for the purpose of paying the cost of publishing the candidate statement in the voter guide.

Section 84300, subdivision (a) of the Act states that no contribution of \$100 or more shall be *made* or received in cash. Section 84300, subdivision (c) requires that all contributions of \$100 or more must be made in the form of a written instrument containing the name of the contributor and drawn from the account of the contributor. Section 82015 of the Act defines “contribution” to include any payment made for political purposes. Sections 82044 and 84216 specify that loans, in particular, are contributions if not made by a commercial lending institution.

We determined that further enforcement action was not warranted since there was minimal public harm, the loans were properly reported on campaign statements, Mr. Beasley repaid the loans, and you have no prior enforcement history.

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 Enforcement Division 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

A solid black rectangular box redacting the signature of Zachary W. Norton.

Zachary W. Norton  
Commission Counsel  
Enforcement Division