



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-3329

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April 28, 2010

✓ Michael Ghiringhelli

REDACTED

Michael Ghiringhelli

o/b/o Friends of Michael Ghiringhelli

REDACTED

Henry D. Froneberger

REDACTED

Henry D. Froneberger, Treasurer

o/b/o Friends of Michael Ghiringhelli

REDACTED

Warning Letter Re: FPPC No. 06/255, In the Matter of Michael Ghiringhelli, Friends of Michael Ghiringhelli and Henry D. Froneberger

Dear Mr. Ghiringhelli, Friends of Michael Ghiringhelli and Mr. Froneberger:

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 a complaint filed against you that alleged that you failed to disclose receipt of non-monetary contributions supporting your candidacy for the Fairfax Town Council in the November 8, 2005 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that in October 2005, Marin Professional Firefighters Political Action Committee made non-monetary contributions in the form of window signs and door hangers supporting your candidacy for the Fairfax Town Council in the November 8, 2005 election. These nonmonetary contributions, made to you, had a total value of \$777.

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.

The Act requires that recipient committees disclose all monetary and non-monetary contributions. (Sections 82013, subd. (a), 84200, and 84200.5.) Specifically the Act provides that a contribution is a payment made for political purposes, and a contribution can be monetary or nonmonetary. (Section 82015, subd. (d).) Additionally, each campaign statement required to be filed under the Act must include the total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more, and include certain contributor information. (Section 84211, subd. (c) and (f).)

Your actions violated the Act because you failed to disclose any non-monetary contributions from Marin Professional Firefighters Political Action Committee in your pre-election campaign statement for the reporting period of September 25 through October 22, 2005. However, you have no prior history of violating the Act.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Angela J. Brereton
Senior Commission Counsel
Enforcement Division