



FAIR POLITICAL PRACTICES COMMISSION

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May 7, 2013

Leland Traiman

REDACTED

RE: Advisory Letter; Leland Traiman, FPPC Case No. 11/185

Dear Mr. Traiman:

The Enforcement Division of the Fair Political Practices Commission ("FPPC") received a complaint against you. After reviewing the complaint and investigating the matter, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The FPPC enforces the provisions of the Political Reform Act¹ (the "Act"), found in Government Code section 810000, et seq. The Act requires a committee that pays for 500 or more telephone calls that are similar in nature (commonly known as "robocalls") that advocate the support or opposition to a ballot measure to identify the name of the person who paid for the call during the call. (See Government Code section 84310.) Any person who makes independent expenditures totaling \$1,000 or more in a calendar year is considered a "committee" under the Act and is subject to the provisions of the Act pertaining to committees. (See Government Code section 82013, subdivision (b).)

You paid Winning Calls to make three robocalls expressing opposition Measure A, on the March 8, 2011 special election ballot in the City of Alameda. These robocalls constituted independent expenditures. The first set of robocalls were made on February 1, 2011 and cost \$732.06. The second set of robocalls, made on February 27, 2011 cost \$382.83. The third set of robocalls, made on March 2, 2011, cost \$107.28. None of the calls included a disclosure regarding the identity of the person who paid for the calls. After the first two robocalls you exceeded the \$1,000 expenditure threshold and qualified as a "committee" under the Act. Therefore, any subsequent robocalls where 500 or more separate calls were made should have included

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.

identification of the person who paid for the calls. After investigating the matter, there is insufficient evidence to prove that the robocalls made on March 2, 2011 that you paid for met or exceeded the 500-call threshold. That being the case, the FPPC has decided not to pursue an enforcement action against you. In the future, as a committee, if you pay for 500 or more similar calls advocating for or against a ballot measure, the call must identify you as having paid for the call.

Although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained and may be used against you should an enforcement action become necessary based on future conduct and/or newly discovered information.

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) 323-6302.

Sincerely

REDACTED 

Dave Bainbridge
Commission Counsel
Enforcement Division

cc: Michael Robles-Wong