



FAIR POLITICAL PRACTICES COMMISSION

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

May 15, 2015

Patricia Smith

Citizens for Fair Laws – Yes on S

Americans for Safe Access – Nevada County
[REDACTED]
[REDACTED]

/ Craig Marquard

Citizens for Fair Laws – Yes on S
[REDACTED]
[REDACTED]

Warning Letter Re: FPPC No. 14/1150, Citizens for Fair Laws – Yes on S and Americans for Safe Access- Nevada County, Patricia Smith, and Craig Marquard

Dear Ms. Smith and Mr. Marquard:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a complaint filed against you alleging that Citizens for Fair Laws – Yes on S (“Citizens for Fair Laws”) failed to include proper committee identifying information on a number of advertisements it paid for in support of Measure S in Nevada County. The complaint also alleged that Americans for Safe Access – Nevada County (“ASA – NC”) may have directly paid for some of those advertisements, and that Citizens for Fair Laws did not file all required campaign statements.

The Enforcement Division has completed its investigation of the facts in this case. We found that Citizens for Fair Laws included all identifying information required under the Act on

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

the advertisements it paid for supporting Measure S. The complainant submitted, along with the sworn complaint, copies of a number of advertisements that did disclose who paid for the advertisement. Citizens for Fair Laws provided us with copies of all of its advertising, which included each of the pieces the complainant sent us. All pieces had proper disclosure statements. The copies included with the complaint were only one-sided so they did not show the disclosure statement. In addition, the investigation found no evidence that ASA – NC did paid for any advertisements in support of Measure S and Citizens for Fair Laws had paid for each of the advertisements in question.

The investigation did find that Citizens for Fair Laws failed to properly file a campaign statement for the statement period ending June 30, 2014.

A ballot measure committee in an election year where the ballot measure appears on the general election ballot is required to file a campaign statement that covers the period from January 1st through March 31st.² The Act also requires a ballot measure committee to file a campaign statement for statement period ending on June 30th that covers the period from April 1st through June 30th.³

Citizens for Fair Laws filed its statement of organization on March 25, 2014⁴ but it did not have any activity until May 5th when it deposited \$2,000 into its campaign bank account. That being the case, the Act required Citizens for Fair Laws to file a semi-annual statement that covered a period beginning when Citizens for Fair Laws qualified as a committee and ending on June 30th. Citizens for Fair Laws filed a pre-election statement on May 28th for a period starting on April 15th but the statement did not include a statement period end date. Citizens for Fair Laws next campaign statement covered the period from July 1st through September 30th, thus omitting the period from May 28th through June 30th.

According to Citizens for Fair Laws' bank statements, its only activity during the period for which it did not disclose its activity was the purchase of checks for \$24 on May 29th, and a \$50 check written from the account on June 11th. Given the lack of activity, this gap in Citizens for Fair Laws' statements caused negligible public harm. Citizens for Fair Laws' was inexperienced at campaign reporting and the investigation found no evidence it was attempting to deceive the public. Citizens for Fair Laws did file campaign statements properly during the second half of 2014 leading up to the general election when the vast majority of its activity occurred. Further, the committee terminated shortly after the election. For all these reasons, a fine is not justified in this case and we are closing this matter with this warning letter.

² Section 84202.3

³ Section 84200, subd. (a)

⁴ All subsequent dates in this letter are in the year 2014.

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 need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,

A black rectangular redaction box covers the signature area. A small arrow points to the right from the bottom right corner of the box.

Dave Bainbridge
Senior Commission Counsel
Enforcement Division

cc: Don Bessee, complainant