



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

May 8, 2014

Corinne Gutierrez, Treasurer

✓ Daniel Dodge, Assistant Treasurer

Committee for Responsible Change – Yes on Measure T

REDACTED

Warning Letter Re: FPPC Case No. 14/371; Committee for Responsible Change – Yes on Measure T, Corinne Gutierrez, Treasurer, and Daniel Dodge, Assistant Treasurer

Dear Ms. Gutierrez and Mr. Dodge:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),¹ found in Government Code section 81000, et seq. This letter is in response to a sworn complaint, which was forwarded to you previously.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Committee for Responsible Change – Yes on Measure T failed to timely amend the Statement of Organization (Form 410) when required and failed to complete sections of the required disclosure on the Form 460 schedules.

The Act requires any committee receiving contributions totaling \$1,000 or more in a calendar year to file a Statement of Organization (Form 410) within 10 days of qualifying as a recipient committee at the \$1,000 threshold. (Section 84101.) In addition to this requirement, whenever there is a change in any of the information contained in the Form 410, an amendment must be filed within 10 days to reflect the change. (Section 84103.) One such change would be a change in the treasurer. Another provision of the Act requires an amendment to the Form 410 filed by a committee that is primarily formed to support or oppose a ballot measure to amend the name of the committee when the measure is assigned a ballot designation. The committee is required to change the name to “a committee for Proposition___,” or, if opposing the measure, include the statement, “a committee against Proposition ___,” in any reference to the committee required by law. (Section 84107.) Copies of these Form 410 amendments are filed with the city, in the

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.

case of a city committee, but the originals must be filed with the Secretary of State. (Section 85101(a).)

Further under the Act, in the Form 460 campaign statement the committee is required to file regularly after organizing as a recipient committee, the committee must disclose the total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received as well as the cumulative amount of contributions made by each itemized contributor. (Section 84211(a) and (f)(6).) Your actions violated these provisions of the Act, first, because Committee for Responsible Change – Yes on Measure T failed to amend the Form 410 with the Secretary of State to change treasurers and again to add the ballot measure designation and whether the committee supported or opposed the measure and, second, failed to cumulate the total contributions on the campaign statements as well as cumulate the individual itemized donor's contributions. However, because you have no prior violations of the Act, we are closing your case with this warning letter. 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 Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely

REDACTED

Gary S. Winuk
Chief, Enforcement Division

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cc: Nick Bulaich