



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 16, 2014

Water NOT Politics! No on Measure O

Rick Heuer, Treasurer



Warning Letter Re: FPPC No. 14/427: Water NOT Politics! No on Measure O; and Rick Heuer, Treasurer

Dear Committee and Mr. Heuer

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 a result of a pro-active investigation begun against you by the FPPC that alleged violations of the Act's campaign reporting provisions. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the Water NOT Politics! No on Measure O committee ("No on O") failed to timely file the Statement of Organization, Form 410, within 10 days of qualifying as a committee.

Section 84101(a) of the Act requires committees to file a statement of organization within 10 days after the committee has qualified as a committee. The No on O committee received a \$10,000 contribution on March 24, 2014, and was required to file a Form 410 no later than April 3, 2014.

Your actions violated the Act because the Form 410 was not filed until April 8, 2014. However, because the Form 410 was filed only 5 days after the 10 day requirement, and you do not have an enforcement history, we are closing this matter with a warning letter.

Additionally, it appears the statement for the period covering March 18, 2014 through May 17, 2014, requires an amendment. The No on O committee triggered the Act's filing obligations when it qualified as a committee on March 24, 2014. Since this is the first statement filed by the committee, the period covered should have been January 1, 2014

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.

through May 17, 2014. (Section 82046.) Please file an amendment to correct this reporting period, and disclose any additional information not disclosed on the original filing, and file the amendment(s) with your filing officer.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

A black rectangular redaction box covers the signature of Gary S. Winuk.

for: Gary S. Winuk, Chief
Enforcement Division

GSW/tr