



FAIR POLITICAL PRACTICES COMMISSION

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

August 10, 2012

Mr. Kurt Starman, City Manager
City of Redding

REDACTED

Warning Letter Re: FPPC No. 12/488; City of Redding, Respondent

Dear Mr. Starman:

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 your self-reported violation wherein you acknowledged that the City of Redding's utility district inadvertently violated the Act's mass mailing at public expense provision.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found the City's utility district, sent its newsletter, *Redding Connects*, to thousands of utility customers that contained a photograph and caption of Councilwoman Missy McArthur.

The Act prohibits a mailing of 200 or more pieces that features an elected officer affiliated with the agency by name, office, photograph, or other reference, unless a specific exception applies. (Section 89001; Regulation 18901.)

The City's actions violated the Act because the newsletter contained both a photograph and a caption containing the name of an elected officer affiliated with the agency. However, since you self-reported this violation, and since you indicated Ms. McArthur was unaware that her photograph was used in the newsletter, we are closing this matter.

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.

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

Gary S. Winuk, Chief
Enforcement Division

GSW/jt