



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

August 11, 2015

Andrew Frazer

Yes on Sunnyvale Public Lands for Public Use Act



**Warning Letter Re: FPPC No. 15/1137; Yes on Sunnyvale Public Lands for Public Use Act;
Andrew Frazer, Treasurer**

Dear Mr. Frazer:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a complaint alleging that you failed to timely file a quarterly campaign statement and you failed to timely return two contributions for which the committee did not obtain the required occupation and employer information within 60 days of receiving the contributions.

The Enforcement Division has completed its investigation and found that the Committee did not file the quarterly campaign statement, covering the period of January 1, 2015 through March 31, 2015, by the April 30, 2015, deadline. In addition, the Committee did not return contributions of \$100 or more received on April 11, 2015 and April 18, 2015, within the required 60-day period to obtain the occupation and employer information from individual contributors.

The Act requires committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31. In addition, committees formed primarily to support or oppose the qualification, passage or defeat of a ballot measure must also file quarterly campaign statements until the semi-

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.

annual period in which the committee must file preelection campaign statements. (Section 84202.3.) Under the Act, an initiative becomes a “measure” when the proponents begin to circulate signature petitions to qualify the measure for the ballot. (*In re Fontana* (1976) 2 FPPC Ops. 25.) You indicated that petition circulation began on January 31, 2015, so the ballot initiative was considered to be a “measure” on that date.

The Act requires that committees must disclose on their campaign statements contributors from whom contributions totaling \$100 or more in a calendar year are received. The contributor’s name and address are required to be disclosed, and in the case of an individual, the individual’s occupation and employer must also be disclosed. (Section 84211.) If the required information is not received within 60 days of the contribution, the contribution must be returned to the contributor. (Section 85700.)

You violated the Act because you and the Committee failed to file the quarterly campaign statement, covering January 1, 2015 through March 31, 2015, by the April 30, 2015 deadline. In addition, you violated the Act by not returning the two contributions within 60 days of receiving contributions of \$100 or more for which the Committee did not obtain the required occupation and employer information.

However, because in addition to having no prior Enforcement cases, you filed the quarterly campaign statement and returned the two contributions to the contributors upon notice from our office, we are closing your case with this warning letter.

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 FPPC. 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.

Please feel free to contact Tara Stock at [REDACTED] with any questions you may have regarding this letter.

Sincerely,

[REDACTED]

Galena West, Chief
Enforcement Division

GW/ts

cc: Anthony Spitaleri