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

August 12, 2014

Tom Hammond
Committee to Elect Tom Hammond District 5
[redacted]

Warning Letter: Case No. 13/901; Tom Hammond; and Committee to Elect Tom Hammond District 5

Dear Mr. Hammond:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act ("Act")[1]. This letter is in response to a referral the Commission received from the Lassen County Counsel's Office. Included with the referral was a copy of a mailer in support of your candidacy in the September 10, 2013 Special Recall Election (the "Election"). The Commission has completed its investigation of your 2013 campaign and has found that you (1) failed to properly maintain campaign records, and (2) failed to report receipt of a campaign contribution, in violation of Sections 84104 and 84211 of the Government Code, respectively.

The Act provides that each candidate and committee must maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements for a period of four years from the date the campaign statement was filed. (Section 84104.) Your conduct violated the Act because you failed to maintain records of the contributions received and expenditures made by your controlled committee, Committee to Elect Tom Hammond District 5 ("Respondent Committee").

Additionally, the Act provides that candidates and committees are required to report all contributions received on their campaign statements. (Section 84211.) Contributions can be monetary, property, services or anything else of value, whether tangible or intangible. (Sections 82015 and 82044.) Your conduct violated the Act because you failed to report the postage paid by your accountant, Mr. Pezzullo, as a non-monetary contribution on Respondent Committee's relevant campaign statement.

Lastly, under the Act, all candidates and committees are required to provide sender identification on *mass mailings*. (Section 84305, subd. (a).) Section 84305, subdivision (a), provides that no candidate or committee shall send a *mass mailing* unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the *mass mailing*. For a

[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.

mailing to qualify as a *mass mailing*, among other requirements, the mailing must include two hundred (200) substantially similar pieces of mail.

Our investigation confirmed that you were the true source of the mailer referenced above. The mailer, which you sent out to numerous households in District 5, did not include the sender identification required by Section 84305, subdivision (a). However, due to your failure to properly maintain your campaign's records, it could not be confirmed whether or not you distributed two hundred (200) or more copies of the mailers. Therefore, there is insufficient evidence to find a violation of Section 84305, subdivision (a), as it is not clear whether or not a mass mailing occurred.

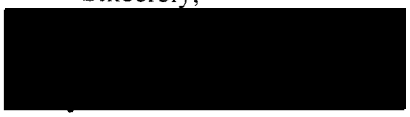
However, in regards to your violations of Sections 84104 and 84211, the Commission has decided to close this case with a warning letter. The Commission opted to close this case with a warning letter because the unreported non-monetary contribution was low in value and you have no prior history of violating the Act. Although the FPPC is closing its case at this time, you are still required to correct any inaccurate statements with your filing officer. You will be responsible for any late filing fees assessed by your filing officer. (Section 91013.)

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 a Commission 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 Commission 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 me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,



Adam Silver
Commission Counsel
Enforcement Division

cc: Lassen County Counsel's Office