FAIR POLITICAL PRACTICES COMMISSION
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August 12, 2014

Diane Fishburn
o/b/o Planned Parenthood of Orange and San Bernardino Counties Community Action Fund PAC
Olson, Hagel & Fishburn, LLP
[redacted]

Melahat Rafiei
Planned Parenthood
[redacted]

Warning Letter

Re: FPPC No. 13/933

Planned Parenthood of Orange and San Bernardino Counties Community Action Fund PAC and Melahat Rafiei, Treasurer

Dear Ms. Fishburn and Ms. Rafiei:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to an audit (the "Audit") performed by the Franchise Tax Board ("FTB") of Planned Parenthood of Orange and San Bernardino Counties Community Action Fund PAC ("Respondent PAC"), the results of which have been referred to this agency. The Audit alleged that Respondent PAC and Respondent Rafiei committed two violations of the Act: (1) failure to properly maintain campaign records; and (2) receipt of seven cash contributions of $100 or more.

[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.

The Commission has completed its investigation into the facts in this case. We determined that the violations listed by the FTB were accurately stated in the audit report. However, based on the mitigating factors discussed below, the Commission has decided to close this matter with a warning letter.

To ensure accurate campaign reporting, Section 84104 imposes a mandatory duty on each candidate, treasurer, and elected officer to maintain detailed accounts, records, bills and receipts that are necessary to prepare campaign statements, to establish that campaign statements were properly filed and to comply with the campaign reporting provisions of the Act. This requirement, specifically asks that campaign accounts and records include a listing reflecting the dates and daily totals of contributions received. (Regulation 18401, subd. (a).) Filers of the committee campaign statements are required to retain the above described campaign records for four years following the date that the campaign statement to which they relate is filed. (Regulation 18401, subd. (b).)

The Act also provides that no contribution of one hundred dollars or more may be made or received in cash. (Section 84300, subd. (a).)

From January 1, 2010 through February 28, 2010, Respondent PAC received $20,609 in cash contributions via designated contribution jars stationed at each of the nine Planned Parenthood clinics in Orange and San Bernardino Counties. Clinic guidelines required that all cash contributions received via the designated contribution jars of less than $25 be provided to Respondent PAC. While Respondent PAC did periodically keep deposit logs of cash contributions received, it failed to keep daily records of each cash contribution received and the total amount of contributions received daily via contribution jars, in violation of Section 84104 and Regulation 18401, subdivision (a). The lack of daily records precluded the determination of the total amount of cash contributions of $100 or more received by Respondent PAC. However, the incomplete records provided by Respondent PAC did indicate that on or about February 6, 2010, Respondent PAC received seven cash contributions of $100 or more totaling $900, in violation of Section 84300, subdivision (a).

Nonetheless, the Commission has decided to close this matter with a warning letter based on the mitigating circumstances present in this case. Specifically, (1) the fact that Respondent PAC periodically kept deposit logs of contributions received via the contribution jars; (2) that it had a written procedure in place meant to prevent the receipt of cash contributions of $100 or more, and (3) that neither Respondent PAC nor its treasurer had a prior history of violating the Act.

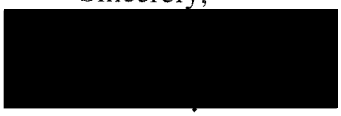
This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary 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