



## FAIR POLITICAL PRACTICES COMMISSION

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August 23, 2013

East Bay Rental Housing Association PAC  
Stacy Owens, Treasurer

# REDACTED

**Warning Letter Re: FPPC No. 13/899: East Bay Rental Housing Association PAC; and Stacy Owens, Treasurer**

Dear Ms. Owens:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a sworn complaint that alleged the East Bay Rental Housing Association ("EBRHA") PAC failed to file a supplemental independent expenditure report in regards to a payment made to Berkeley Tenants United for Fairness ("TUFF").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that EBRHA PAC failed to file with the City of Berkeley a supplemental independent expenditure report disclosing a twelve thousand dollar (\$12,000) payment made to TUFF for an appearance on a slate mailer in opposition to the City of Berkeley's Measure U.

The Act provides that if a candidate or committee has made independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports at the same time, covering the same periods, and in the places where the candidate or committee would be required to file campaign statements as if it were formed or existing primarily to support or oppose the candidate or measure or qualification of the measure. (Government Code Section 84203.5)

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<sup>1</sup> 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.

EBRHA PAC's actions violated the Act because they failed to file a supplemental independent expenditure report for the payment of twelve thousand dollars (\$12,000) to TUFF for the appearance on a slate mailer opposing the City of Berkeley's Measure U with the City of Berkeley. However, because this payment was reported on EBRHA PAC's campaign disclosure statement and the fact that the supplemental independent expenditure report was filed with the City of Oakland, we have decided to close this case with a 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 FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide the committee 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 the committee of these proceedings by requesting the 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](http://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,

**REDACTED**

  
Gary S. Winuk  
Chief, Enforcement Division

GSW/tr

cc: Ron Nardinelli  
Marissa Quaranta, The Henry Levy Group