



## FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95834-2329

(916) 322-5660 • Fax (916) 322-6886

September 24, 2012

✓ Adam Acosta, President

Help Carson, Yes on Measure H 2010, Sponsored by AFSCME Local 36

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Re: **Warning Letter Re: FPPC Case No. 11/183; Help Carson, Yes on Measure H 2010, Sponsored by AFSCME Local 36, and Adam Acosta, President**

Dear Mr. Acosta:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a sworn complaint that alleged incomplete disclosure on a mailer sent by Help Carson, Yes on Measure H.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to disclose the full name of your committee, which should have included the name of the union sponsoring the committee, on a mailer sent prior to the election.

The Act requires that committees disclose their full name as part of the sender identification requirements for mass mailings. Specifically the Act provides that, in the case of a sponsored committee, the name of the committee shall include the name of its sponsor, which in your committee's case was AFSCME Local 36. (GC § 84102.) Whenever identification of a sponsored committee is required, the identification must include the full name of the committee as required in its statement of organization. (GC § 84106(a).) When a committee sends a mass mailing, the full name, street address, and city of the committee are shown on the outside of each piece of mail in the mass mailing. (GC § 84305.)

Your actions violated the Act because you failed to include the name of your committee, Help Carson, Yes on Measure H 2010, Sponsored by AFSCME Local 36, on your committee mailings. However, because you have no prior enforcement actions and because the committee has since terminated, we are closing with this written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly

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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.

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.

You are obligated to continue filing campaign statements until you officially terminate your committee. If your committee is no longer active, you may want to terminate your committee at this time as well. Failure to do so is a violation of the Act. Please be advised that after every filing deadline, your local filing officer will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention. Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.)

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 Adrienne Korchmaros at (916) 322-5662 with any questions you may have regarding this letter.

Sincerely,

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Gary S. Winuk  
Chief, Enforcement Division

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cc: Joseph Robinson