



FAIR POLITICAL PRACTICES COMMISSION

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September 23, 2010

✓ Rodney K. Mitchell
o/b/o Committee To Re-Elect Sheriff Mitchell – 2010

REDACTED

Becky Mitchell
o/b/o Committee To Re-Elect Sheriff Mitchell – 2010

REDACTED

**Re: In the Matter of Rodney K. Mitchell, Committee To Re-Elect Sheriff Mitchell – 2010, and Becky Mitchell
FPPC No. 10/618**

Dear Mr. Mitchell, Ms. Mitchell, and Committee To Re-Elect Sheriff Mitchell – 2010:

The Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”)¹ found in California Government Code Section 81000 and following. In July 2010, the Commission received a formal complaint alleging that on June 19, 2010, Rodney K. Mitchell, the incumbent candidate for Lake County Sheriff, authorized the use of county sheriff vehicles, including squad cars, SWAT vans, police dogs, on-duty officers, and an OES trailer, in a parade in Middletown, CA. The complainant further alleges that Sheriff Mitchell campaigned during the parade by using these official sheriff vehicles and personnel, walked along side these vehicles with campaign literature, balloons and campaign signs, and that the vehicles were adorned with Mitchell campaign materials.

Pursuant to Regulation 18420.1, a payment of public moneys by a governmental agency, or by an agent of the agency, made in connection with a communication to the public that expressly advocates the election or defeat of a clearly identified (as defined in Regulation 18225 subd. (b)(1)) candidate, or that taken as a whole and in context, unambiguously urges a particular result in an election, is a contribution if made at the

¹The 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.

behest of the affected candidate. (Regulation 18420.1 subd. (a)(1).) Additionally, Regulation 18420.1, subdivision (b) states:

(b) For the purposes of subdivision (a), a communication paid for with public moneys by a state or local governmental agency unambiguously urges a particular result in an election if the communication meets either one of the following criteria:

(1) It is clearly campaign material or campaign activity such as bumper stickers, billboards, door-to-door canvassing, or other mass media advertising including, but not limited to, television or radio spots.

(2) When considering the style, tenor, and timing of the communication, it can be reasonably characterized as campaign material and is not a fair presentation of facts serving only an informational purpose.

Use of county resources to campaign during the parade, as alleged in the complaint, would fall under Regulation 18420.1.

Based on our review and investigation, we determined that 1) Sheriff Mitchell actively campaigned during the Middletown parade; and 2) Sheriff Mitchell did not use public moneys, in the form of county sheriff resources and personnel, in connection with this campaign activity. Specifically, our investigation found that, based upon video footage of the event, Sheriff Mitchell had five "entries" in the Middletown Parade, none of which utilized official sheriff vehicles, equipment or on-duty personnel.

As such, there is no basis for a violation under Regulation 18420.1 of the Act. Therefore, our file in this matter has been closed.

If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

✓ GARY S. WINUK
Chief, Enforcement Division