



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

October 30, 2014

Yes on Measure S, Santa Barbara City College for the 21st Century



RE: Warning Letter Re: FPPC Case No. 14/1211; Yes on Measure S, Santa Barbara City College for the 21st Century, with major funding by Santa Barbara City College Foundation

Dear Committee Members:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”) ¹, found in Government Code section 81000, et seq. This letter is in response to a sworn complaint previously forwarded to you. The FPPC has completed its investigation of the facts in this matter. Specifically, the FPPC found that you violated the Act’s campaign disclosure provisions with regard to failing to properly identify your committee and one of your advertisements, a mailer, as being majorly funded by the committee’s largest contributor, the Santa Barbara Community College Foundation (“Foundation”).

The Act provides that any advertisement, which includes mailers, for or against any ballot measure shall include a disclosure statement identifying any person whose cumulative contributions are \$50,000 or more. (Section 84503 and Regulation 18450.1(a)(4).) Regarding the name of the committee, the Act provides that any committee that supports or opposes one or more ballot measures must name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of \$50,000 or more in any reference to the committee required by law. (Section 84504.) This would include the committee’s statement of organization (Form 410), all campaign reports, and identification on advertisements. Any committee which supports or opposes a ballot measure, must print or broadcast its name as provided in this section as part of any advertisement or other paid public statement. (Regulation 18521(b)(1-5).) Your committee’s actions violated these provisions because you failed to include in the name the committee the identity of your major contributor, the Foundation, and disclose the Foundation as a major contributor on the mailer included with the complaint.

However, because you have no prior violations and quickly amended the name of the committee upon being made aware of the requirement, and also because you did identify the Foundation as a major contributor on other advertisements, including mailings, we are closing your case with

this warning letter. 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. Although the FPPC is not seeking a penalty in the current matter, you are responsible for any late filing fees assessed. (Section 91013.)

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. 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 or visit our website at www.fppc.ca.gov.

Please feel free to contact Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

A solid black rectangular box redacting the signature of Gary S. Winuk.

Gary S. Winuk
Chief, Enforcement Division

GSW:AK:ak

cc: Glen Mowrer