FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 5, 2014

Dan Chin
Hanford Now, Committee to Oppose Measure S
[redacted]

Warning Letter Re: FPPC Case No. 14/1167; In the Matter of Hanford Now, Committee to Oppose Measure S, and Dan Chin, Treasurer

Dear Mr. Chin:

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 the resolution to a telephone call and e-mail previously sent to you requiring that you amend your campaign statements to reflect the committee's appropriate status. 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 the identification and naming requirements that apply to a primarily formed ballot measure committee.

The Act provides that within 30 days of the designation of the numerical order of propositions appearing on the ballot any committee that is primarily formed to support or oppose a ballot measure must include the statement, "a committee for/against Measure___," in any reference to the committee required by law. (GC Sec. 84107.) A "primarily formed committee" in this context is a recipient committee that is formed or exists primarily to support or oppose a ballot measure. Regulation 18247.5 defines a primarily formed committee ballot measure committee as one that makes more than 70 percent of its contributions and expenditures on a measure. Your actions violated the Act because, although your committee made all of its expenditures to oppose Measure S being voted upon in the City of Hanford, the committee was identified as "general purpose" rather than "primarily formed" on its campaign reports and statements and the description "a committee to oppose Measure S" was not in the name of your committee.

[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.

However, because you have no prior cases with our Enforcement Division and because you amended quickly after receiving a letter from the Enforcement Division, 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, your client is responsible for any late filing fees assessed by Secretary of State. (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 Adrianne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

Gary S. Winuk
Chief, Enforcement Division

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