



FAIR POLITICAL PRACTICES COMMISSION

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

November 8, 2010

Albert H. Vogler

Redacted

Warning Letter Re: FPPC Case No. 10/821; Albert H. Vogler

Dear Mr. Vogler:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged that the billboard paid for by you saying "Vote NO on Smith, Blewett, Holman Hesperia City Council Nov. 2nd" did not have the disclaimer required to be on advertisements made as independent expenditures.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the billboard was, in fact, an independent expenditure but failed to contain the required disclaimer.

The Act provides that a committee's failing to include the disclaimer required on an advertisement made as an independent expenditure is a violation. Specifically, the Act requires that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure, meaning a payment made not at the behest of a candidate, must include a statement that it was not authorized by a candidate or a committee controlled by a candidate. (GC § 84506.5.) Your actions violated the Act because, although the billboard advertisement you paid for saying "Vote NO on Smith, Blewett, Holman Hesperia City Council Nov. 2nd" was not made at the behest of a candidate or candidate's committee, it did not include the statement saying it was not authorized by a candidate or candidate's committee. Because, however, you did not

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.

appear to be avoiding disclosure and you have since added the required disclaimer to the billboard, we have decided to close this case.

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 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.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

Redacted 

✓ Gary S. Winuk, Chief
Enforcement Division

GSW:AK:ak

cc: David Holman