



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 222-5660 • Fax (916) 322-0586

November 20, 2013

Damon Dunn
Damon Dunn for Long Beach Mayor Committee 2014
c/o Brian T. Hildreth, Esq.
Bell, McAndrews & Hiltachk, LLP

REDACTED

Warning Letter Re: FPPC Case No. 13/1146, Damon Dunn and Damon Dunn for Long Beach Mayor Committee 2014

Dear Mr. Dunn:

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 letter sent on your behalf by your attorney to the FPPC alerting the FPPC to your possible violation of the Act’s requirement that the committee sending a mass mailing be identified on the mass mailing.

The facts as presented in your attorney’s letter are that two mailings were sent on Friday, November 1, 2013, and Monday, November 4, 2013, respectively. Each of the two batches of mailings was voluntarily signed by a supporter of your campaign for Long Beach Mayor and was drafted by the respective supporters themselves. Your campaign committee assisted in the mailings by paying for the postage and stationery. The approximately 2,000 letters sent on November 1st were signed by Mr. Charles Parks and your committee paid approximately \$1,200 in postage costs stationery costs for these letters. The approximately 500 letters sent November 4th were signed by Mr. Jon Meyer and your campaign paid approximately \$300 in postage and

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.

stationery costs for these letters. All of the letters referred to their respective signers as the senders.

After the letters were sent, representatives of your committee realized that there was likely an issue with the sender identification. To remedy the problem, you instructed your committee to prepare a virtually identical mailing with the "paid for" sender identification referring to your committee. The duplicate letter was sent to all recipients of the initial mailings.

The Act prohibits "mass mailings," defined in Section 82041.5 as 200 or more substantially similar pieces of mail, from being sent out without being properly identified with the name and address of the sender in no less than 6-point type in a color or print contrasting with the background and easily legible. (Section 84305.) Regulation 18435 provides that the sender, as used in Section 84305, is the candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing. From your facts, although the letters were not signed by you or your committee but, rather, by supporters, your committee actually expended the funds for the mailings.

Your actions violated the Act because your campaign committee was the "sender" under Regulation 18435 and Section 84305 of the mass mailings sent on November 1, 2013, and November 4, 2013. However, because this violation came to light due to your attorney's letter to the FPPC notifying our agency of the matter and because you have taken significant steps to remedy the violation, 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.

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.

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW:AK:ak