



FAIR POLITICAL PRACTICES COMMISSION

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

December 3, 2014

Michael Zita, Treasurer
Yes on Recall of O'Shea and Payne 2014



RE: Warning Letter
FPPC Case No. 14/262; Yes on Recall of O'Shea and Payne 2014; and Michael Zita, Treasurer

Dear Mr. Zita:

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. As you may be aware, the FPPC received a complaint against the Yes on Recall of O'Shea and Payne 2014 ("Committee"), a primarily formed committee,² alleging that the Committee failed to file any campaign statements, in violation of the Act. The Commission has decided to close this case with this warning letter.

The FPPC has completed its investigation of the facts in this case. The investigation revealed that, based upon the financial activity of the Committee, the Committee timely filed a Statement of Organization to re-name the primarily

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.

² The Committee initially formed as a general purpose committee, and filed an amended Statement of Organization changing the Committee to a primarily formed committee. Under Section 82047.5, in relevant part, a primarily formed committee exists primarily to support a single measure, candidate or group of measures or candidates. Whereas, under Section 82027.5, in relevant part, a general purpose committee is formed or exists primarily to support more than one candidate or ballot measure. If you have questions regarding the qualifications and rules for each type of committee, please visit our website at www.fppc.ca.gov or contact FPPC's Technical Assistance Division at 1-866-275-3772.

formed committee. However, the FPPC has found that the Committee failed to file a late contribution report for a \$3,000 contribution from IAFF Local 3051 received on or about April 7, 2014, in violation of Government Code section 84203. Based on the fact that you and the Committee have no prior enforcement history and have cooperated with the investigation, the FPPC is closing this case with this Warning Letter.

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.

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. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact me at (916)324-8787 with any questions you may have regarding this letter.

Sincerely,



Bridgette Castillo
Senior Commission Counsel
Enforcement Division