



FAIR POLITICAL PRACTICES COMMISSION

1501 Street • Suite 600 • San Bruno, CA 94066

Phone: 650-350-2000 • Fax: 650-350-2000

December 5, 2012

David Howard, Treasurer
Save Our City! Alameda

REDACTED

Warning Letter Re: FPPC Case No. 12/771, Save Our City! Alameda and David Howard, Treasurer

Dear Mr. Howard:

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 alleging you and your committee may have violated the Act's requirement that a committee formed primarily to support a candidate's recall must identify in the committee name the name of the elected official and that the committee is in support of the recall.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee violated the Act's requirements that payments to oppose candidates be properly disclosed as well as the Act's requirements that a committee be properly identified.

The Act requires committees to disclose payments to support or oppose candidates on Schedule D, Summary of Expenditures, Supporting/Opposing Other Candidates, Measures and Committees, of the Form 460. (GC § 84211.) The Act also requires that a committee primarily formed to support a candidate's recall identify itself as such. (GC §§ 82047.5 and 84101 and Reg. § 18247.5)

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 18150 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.

Your actions and your committee's actions violated the Act because you failed to identify the committee Save Our City! Alameda as primarily formed to support the recall of Alameda Council Member Rob Bonta and, instead, identified the committee as a general purpose committee on the committee's Form 410, Statement of Organization, without amending the Form 410 in a timely fashion. (GC §§ 82047.5 and 84101 and Regulation §§ 18247.5 and 18531.5.) Further, you and your committee failed to report expenditures to support the recall of Council Member Bonta on the Form 460's Schedule D, Summary of Expenditures, Supporting/Opposing Other Candidates, Measures and Committees, of the Form 460 you filed on October 1, 2012. (GC § 84211.) However, because neither you nor the committee has prior violations of the Act and because you quickly amended the statements when notified, 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.

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

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

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cc: John Knox White