



FAIR POLITICAL PRACTICES COMMISSION

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December 4, 2012

Buck Polk, Principal Officer

Save Santa Clara Unified Schools by Opposing Stampolis and Supporting De Young, Gonzalez, & Van Pernis for Governing Board 2012

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Warning Letter Re: FPPC Case No. 12/926, Save Santa Clara Unified Schools by Opposing Stampolis and Supporting De Young, Gonzalez, & Van Pernis for Governing Board 2012 and Buck Polk, Principal Officer

Dear Mr. Polk and Committee Members:

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 your contacting the FPPC's Enforcement Division, Mr. Polk, regarding the possibility you may have violated the Act.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you, Mr. Polk, and the committee Save Santa Clara Unified Schools by Opposing Stampolis and Supporting De Young, Gonzalez, & Van Pernis for Governing Board 2012 violated Gov. Code section 85501 when you became Principal Officer of the 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.

The Act prohibits candidate-controlled committees from making independent expenditures regarding other candidates. (GC § 85501.) Mr. Polk was re-elected to office as a Trustee for the West Valley/Mission Community College District in 2010 and, although the committee for re-election has since been terminated, under the Act, a candidate remains a "candidate" until leaving office. (GC § 82007.) In 2011, Mr. Polk became Principal Officer of Save Santa Clara Unified Schools by Opposing Stampolis and Supporting De Young, Gonzalez, & Van Pernis for Governing Board 2012, a committee primarily formed to make independent expenditures to oppose the election of Christopher Stampolis to the Santa Clara Unified School District Board of Education. The committee's Statement of Organization was correctly amended to disclose the new Principal Officer. With Mr. Polk's becoming Principal Officer, the committee now met the definition of being a controlled committee, a committee over which a candidate has "significant influence on the actions or decisions of the committee."

Your actions, Mr. Polk, and the committee's actions violated the Act because, since the committee was primarily formed to make independent expenditures opposing Candidate Stampolis, with your appointment to be its Principal Officer, it became a candidate-controlled committee making independent expenditures to oppose a candidate. (GC § 82016.) However, because neither you nor the committee has prior violations of the Act and because you came to the FPPC of your own volition to ascertain if you had violated the Act, 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,

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Gary S. Winuk
Chief, Enforcement Division

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