



FAIR POLITICAL PRACTICES COMMISSION

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

December 19, 2012

Mr. Ronald E. Garratt
Interim City Manager

REDACTED

Warning Letter Re: FPPC No. 12/940; City of Santa Clara, Respondent

Dear Mr. Garratt:

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 your self-reported complaint wherein you acknowledged that the City inadvertently violated the Act's mass mailing at public expense provision.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found the City of Santa Clara paid for a letter sent to 54,000 residents that contained electronic signatures of the City Council and Mayor.

The Act prohibits a mailing of 200 or more pieces that features an elected officer affiliated with the agency by name, office, photograph, or other reference, unless a specific exception applies. (Section 89001; Regulation 18901.)

Your actions violated the Act because it was not necessary that electronic signatures be of elected official be contained on this communication. (Regulation 18901(b)(6).) However, since you unsuccessfully attempted to retrieve the mailing from the post office before delivery and self-reported your violation, we are closing this matter.

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.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt