



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

August 20, 2009

✓ Denise Hoyt
✓ Committee to Elect Denise Hoyt for City Council

REDACTED

**RE: Advisory Letter
FPPC No. 05/107; Dick Riddell, et al.**

Dear Ms. Hoyt:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. As you are aware, the Commission received a complaint against you alleging violations of campaign reporting provisions of the Act. These allegations include failing to properly report the making and receipt of non-monetary contributions for the 2004 Yucaipa City Council election. The Commission has decided to close your portion of this case with this advisory letter.

The complaint alleged that you made non-monetary contributions to two other candidates for election to the Yucaipa City Council, Dick Riddell and Robert Lampi, through your payments for advertisements promoting the candidacy of all three of you and that you failed to report these non-monetary contributions. Additionally, it is alleged that you received non-monetary contributions from Dick Riddell through his payments for advertisements also promoting the candidacy of all three of you.

An expenditure is any monetary or nonmonetary payment made for political purposes. (Section 82025, Regulation 18225.) If an expenditure is not made at the behest of another recipient committee or candidate, as in this case, then the expenditure does not qualify as a contribution to that recipient committee or candidate. (Section 82015.) An expenditure qualifies as an independent expenditure when it is made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate. (Section 82031.) Our investigation found that you did not coordinate with either of the other two candidates to produce or place these advertisements, and, therefore, did not make contributions to their campaigns or receive contributions from Mr. Riddell. In addition, the mailers in question were not found to contain express advocacy,

and as such do not qualify as independent expenditures. Therefore, we are closing this case without further action.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act, so if you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Sincerely,

REDACTED

✓ Galena West
Senior Commission Counsel
Enforcement Division