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

December 31, 2010

Mr. Dennis Cunningham
San Bernardino County Professional Firefighters Local 935
Redacted

Warning Letter Re: FPPC No. 10/1061; San Bernardino County Professional Firefighters Local 935; Dennis Cunningham, Respondent(s)

Dear Mr. Cunningham:

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 a complaint filed against the San Bernardino County Professional Firefighters Local 935 (the "Committee") that alleged that campaign advertisements by the Committee failed to include the candidate disclaimer required by Section 84506.6.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that a door hangar, as well as campaign handout, produced in connection with the November 2010 City of Colton election, failed to include a statement that the advertisements were not authorized by a candidate or a committee controlled by a candidate.

The Act provides that any advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate. (Section 84506.6.) The campaign statements filed by your committee disclose that the expenditures for the campaign advertisements were independent expenditures to the candidates supported.

Your actions violated the Act because the disclaimer required by Section 84506.5 should have appeared on the door hangar and the campaign handout.

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[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 18109 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. In the future, you must ensure that campaign advertisements that are independent expenditures supporting or opposing candidates, include the candidate disclaimer required by Section 84506.5

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