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

February 4, 2011

Ms. Linda Pfeifer
Ms. Anne Teller
Linda Pfeifer Campaign Committee Sausalito City Council 2008

REDACTED

Re: Advisory Letter
FPPC No. 10/475; Linda Pfeifer, Linda Pfeifer Campaign Committee Sausalito City Council 2008, and Anne Teller, Treasurer

Dear Mses. Pfeifer and Teller:

In response to the self-referral you submitted regarding the fundraiser a group of supporters held on your behalf, the Enforcement Division of the Fair Political Practices Commission ("FPPC") has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The FPPC enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. Section 84211 requires the disclosure of the total amount of contributions received. Section 82015 defines contribution as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surround circumstances that it is not made for political purposes. Regulation 18215 subdivision (b)(3) further defines contribution as any goods or services received by or behested by a candidate or committee at no charge or at a discount from the fair maker value, unless the discount is given in the regular course of business to members of the public. You were concerned that, as a candidate with an open committee for the City of Sausalito's 2008 November election, you may have violated the Act's campaign disclosure provisions when you failed to properly disclose all the contributions received in connection with that fundraiser held on your behalf.

[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.

A group of supporters wanted to help your campaign retire debt, and on January 15, 2009, a fundraiser/raffle was held on your behalf, in which you attended. Items for the raffle that was to be held at the fundraiser were solicited from local businesses and friends. After the fundraiser, and based on some erroneous advice you contend you received, your supporters provided your campaign with the total gross amount of contributions received, minus their expenses, and donor information for contributions received that were $100 or more. When you filed your semi-annual campaign statement for the period covering January 1, 2009 through June 30, 2009, you reported only the monetary contributions received, and failed to disclose the non-monetary contributions, those items your committee received for the raffle.

Not reporting non-monetary contributions is a violation of section 84211 of the Act. However, we have determined that an enforcement action for a violation is not warranted, because based on the erroneous advice you contend you received, your campaign originally reported the monetary contributions received from the fundraiser; there was no intent to conceal the contributions, and you have since amended your campaign statement to correctly reflect the donated items received by the committee, the total monetary and non-monetary contributions received, and expenditures made in connection with the fundraising event. Furthermore, you immediately contacted the Enforcement Division once you realized there was a possible violation. Nevertheless, although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained, and may be used against you, should an enforcement action become necessary, based on future conduct and/or newly discovered information.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916-327-2018.

Sincerely,

REDACTED

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr