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

February 16, 2010

✓ Ms. Carol Evans
Preserve Shorecliffs Homeowners

REDACTED

Warning Letter Re: FPPC No. 08/460, Preserve Shorecliffs Homeowners PAC

Dear Ms. Evans:

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 an investigation begun against you by the FPPC in response to a complaint filed by Mr. Rick Collins that alleged the Preserve Shorecliffs Homeowners PAC was in violation of the Act's campaign disclosure provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that there was no evidence to support any of the allegations in the complaint except that you failed to file a preelection statement prior to the June 3, 2008 election. However, we also determined that you were a first time filer without a professional treasurer; that you filed all other required statements accurately, on time and completely; that you had worked closely with the San Clemente City Clerk and the FPPC to understand your filing obligations; and that you immediately filed the pre-election statement when notified of the error.

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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 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.

City general purpose committees are required to file pre-election statements under the Act if they make contributions or independent expenditures totaling five hundred dollars or more during the period covered by the preelection statement. (Section 84200.5) The Act further provides that city general purpose committees are required to file a pre-election statement no later than 12 days before a June election in an even-numbered year. (Section 84200.7)

Your actions violated the Act. In this case, Preserve Shorecliffs Homeowners PAC was a city general purpose committee. As a city general purpose committee that made independent expenditures of more than five hundred dollars in the preelection period, it was required to file a pre-election campaign disclosure statement. In 2008, Preserve Shorecliffs Homeowners PAC failed to file a pre-election statement for the June election.

Due to the mitigating circumstances previously identified, we have decided to close this case with a warning letter. 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

Cc: Mr. Rick Collins
Ms. Paige Forman
Mr. Jim Cogan