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

May 20, 2010

Mr. Hal Stocker
Committee to Re-Elect Hal Stocker – 2010

REDACTED

Ms. Leah M. Stocker
Committee to Re-Elect Hal Stocker – 2010

REDACTED

Warning Letter Re: FPPC No. 10/469; Committee to Re-Elect Hal Stocker 2010; Hal Stocker; Leah M. Stocker

Dear Mr. and Ms. Stocker:

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 you that alleged you failed to report an in-kind contribution to your 2010 re-election committee.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report the value of the cost of a domain name paid for you by a friend who volunteered his services to build your web site, but paid the domain fee on your behalf. The value of the domain name amounted to $149. This in-kind contribution received on or around September 2009, was not reported on your campaign disclosure statement.

The Act provides that a contribution includes good or services received by a candidate or committee at no charge or at a discount from the fair market value. (Regulation 18215(b)(2).)

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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.

However, the term "contribution" excludes volunteer personal services provided by any person. (Regulation 18215(c)(2).) While the value of the domain name is a reported in-kind contribution, the services of your friend to build the web site is not.

Your actions violated the Act because you failed to report this in-kind contribution when you received it in September of 2009. However, since the value of the in-kind contribution was minimal, and you have agreed to amend your campaign statement, we are closing this matter without further action.

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.

You must file an amendment to your campaign statement filed for the period July 1, 2009 through December 31, 2009 to report this contribution. I have enclosed for your use, the forms necessary to amend the statement.

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
cc. Ms. Beth Reyes