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

July 8, 2011

Mark F. Nelson, Treasurer
Law Office of Mark F. Nelson
REDACTED

Warning Letter Re: FPPC No. 11/222; Bigots Against Life, Liberty and the Pursuit of Happiness

Dear Mr. Nelson:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act").[1] The FPPC's Enforcement Division reviewed the campaign statements and reports of Bigots Against Life, Liberty and the Pursuit of Happiness (the "Committee") to determine whether the Committee complied with the Act's requirements for ballot measure committees.

The FPPC has completed its review of the facts in this case. Specifically, the FPPC found that the Committee violated the Act by failing to comply with the naming requirements for ballot measure committees.

Section 82047.5, in pertinent part, defines "primarily formed committee" as a committee that "is formed or exists primarily to support or oppose" ... "a single measure." Section 84107 requires that a primarily formed committee include in its name the specific ballot measure and whether the committee supports or opposes that measure. The naming requirement is satisfied by including support for or opposition to the specific ballot measure in the committee's name when filing an initial Form 410 Statement of Organization with the California Secretary of State, or amending the Form 410 Statement of Organization within ten days of any change.

[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.

The Committee violated the Act because it failed to include in its committee name its support of Proposition 8, which was on the ballot for the November 4, 2008 General Election. However, we are closing this matter with a warning letter because the Committee was terminated without any activity and it has no history of prior violations of the Act.

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.

If you have further questions regarding this matter, please contact me at (916) 322-5796.

Sincerely,

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Galena West
Senior Commission Counsel
Enforcement Division

GW/db