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

July 28, 2011

Stephen Sham
Friends of Stephen Sham
REDACTED

Advisory Letter Re: FPPC No. 11/175; Friends of Stephen Sham and Stephen Sham

Dear Mr. Sham:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act")[1]. As you may be aware, the Commission received a complaint alleging that you violated the sender identification requirements for mass mailings by including your committee's identification number on a mass mailer you sent regarding the Alhambra Police and Firefighters Unions, and that the mailer did not also include your committee's name and address. The Commission has determined that we do not have sufficient evidence to establish a violation of the Act.

The Commission has completed its investigation of the complaint filed against you in the above-referenced matter. The complaint alleged that you did not disclose your name, address and committee information on the mailer as required by the Act. If true, such action would violate the sender identification requirements for mass mailings, which require that all mass mailings show the name, street address, and city of the candidate or committee on the outside of each piece of mail in the mass mailing, and on at least one of the inserts included within each piece of mail of the mailing. (Section 84305.)

Regulation 18435 defines the sender of a mass mailing as "the candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing." The mailer cost $6,121.97, of which you paid $2,967.56, while the Friends of Barbara Messina committee paid the balance of $3,154.41. Since you did not pay the largest portion of the mailer, you are not considered to be the "sender" of the mailer, and thus you were not required to disclose the above-mentioned information on the mailer. Therefore, we are closing this matter without further action.

---

[1] The Political Reform Act is contained is 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.

However, you should note that Section 84211 requires that campaign statements include the total amount of contributions received during the period covered by a campaign statement. Section 82015 defines contribution to include the payment by another person of personal services rendered or expenses incurred on behalf of a candidate or committee, without payment of full or adequate consideration. Please be advised that when candidates or committees do not pay equally for a mailer, the candidate or committee that pays less may be required to disclose a non-monetary contribution in connection with the mailer sent.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Sincerely,

REDACTED

Galena West
Senior Commission Counsel
Enforcement Division

GW/db