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

September 16, 2010

Mr. Jacob Pyle
c/o Jennifer M. French,
REDACTED

RE: Advisory Letter
FPPC No. 08/677; Safe Beaches Coalition

Dear Mr. Pyle:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")[1] found in Government Code Section 81000, and following. As you may be aware, the Commission was investigating whether you were in violation of the Act's campaign reporting provisions with regard to the Safe Beaches Coalition campaign committee.

We have determined that there is insufficient evidence to find you violated the Act. As a result, we are closing this case with this Advisory Letter.

You should be aware that an express purpose of the Act, as set forth in section 81002, subdivision (a), is to ensure that the true nature of committees are fully and truthfully disclosed, so that voters may be fully informed, and improper practices may be inhibited. In furtherance of this purpose of disclosure, the Act requires committees to file Statements of Organization. Section 84102, subdivision (d) requires the committee to include the title and ballot number of any measure which the committee supports of opposes as its primary activity. A "primarily formed committee" includes a committee that is formed or exists primarily to support or oppose a single measure or two or more measures being voted on in the same city, county, multicounty, or state election. (Section 82047.5.)

[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.

You should also be aware that, since the time of the campaign filings at issue in this matter, the Commission has amended Regulation 18247.5 regarding the determination of whether or not a committee is primarily formed. Please review the amended Regulation 18247.5 and seek assistance from the FPPC's Technical Assistance Division at the number listed below if necessary for future campaign activities.

Based on evidence provided, Safe Beaches Coalition was not primarily formed to support Measure D at the time it was created, as you intended to use the committee for campaign activity related to more than one local ballot measure within the County of San Diego. This is similar to the facts presented in the Boehme Advice Letter (no. I-94-036), where the FPPC advised that a county filing was sufficient in the circumstances presented by the request for advice.

Further, the FPPC found no evidence of improper coordination between Safe Beaches Coalition and any other campaign committee. Safe Beaches Coalition was permitted under Regulation 18225.7 (e) to exchange information with other general purpose committees, or committees primarily formed to support or oppose the same measure without that exchange being considered by itself a "payment made at the behest of a committee" as defined under Regulation 18225.7.

Lastly, Safe Beaches Coalition was not required to file electronic reports for contributions received. This is because Safe Beaches Coalition was not a state committee, as defined in Section 82051 of the Act, and thus did not incur electronic filing obligations.

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

Sincerely,

REDACTED

GARY S. WINUK
Chief, Enforcement Division