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

September 13, 2010

Mr. Randall Kene
o/b/o Kinde Durkee
Manatt, Phelps & Phillips, LLP
REDACTED

✓Mr. Jim Gonzalez
Jim Gonzalez & Associates, LLC
REDACTED

RE: **FPPC No. 10/743, Yes on Proposition 7 - Californians for Solar and Clean Energy, A Coalition of Climate Scientists, Consumer, Environmental and Community Leaders; Kinde Durkee; and Jim Gonzalez**

Dear Mr. Kene:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")[1]. As you may be aware, the Commission has investigated allegations that Yes on Proposition 7 - Californians for Solar and Clean Energy, A Coalition of Climate Scientists, Consumer, Environmental and Community Leaders ("Committee") violated certain provisions of the Act. Specifically, the investigation concerned allegations that the Committee failed to identify a major donor, who was a source of more than $50,000, in its name. The Commission has decided to close this case without further action.

Section 84504 (a) of the Act provides specific regulations pertaining to committee names. Any committee that supports or opposes one or more ballot measures shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of fifty thousand dollars or more in any reference to the committee required by law, including, but not limited, to its statement of organization filed pursuant to Section 84101.

[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 name must include the economic or other special interests of its major donors of $50,000 or more, in descending order based on the amount contributed to the committee.

According to Regulation 18450.3 (b) (1) identification of a disclosable contributor's "economic or other special interest" pursuant to Section 84504 shall identify any ascertainable economic interest that exists that is likely to be affected by the ballot measure. If no ascertainable economic interest exists, the name or phrase pursuant to Section 84504 shall identify any goal or purpose that is likely to be affected by the ballot measure.

Neither major donor has ascertainable economic interests related to renewable or solar energy. Both donors have a history of supporting various environmental causes, in which they do not have economic interests.

As such, only the "goal or purpose that is likely to be affected by the ballot measure" needed to be included in the committee name. This element was satisfied by the use of the words "for Solar and Clean Energy," as the measure would have set minimum requirements for solar and renewable energy production.

If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

Zachary W. Norton
Commission Counsel
Enforcement Division