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

September 30, 2011

Dora J. Dome, Treasurer
No on 8 - National Center for Lesbian Rights Social Justice Fund
REDACTED

Re: Warning Letter
FPPC No. 11/356; No on 8 – National Center for Lesbian Rights Social Justice Fund, Dora J. Dome, Treasurer

Dear Ms. Dome:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act").[1] This letter is in response to an audit report referred to us by the Franchise Tax Board on April 29, 2011. The audit covered the period of January 1, 2008 through December 31, 2008.

The FPPC has completed its review of the facts in this case. Specifically, the FPPC found that the you and the No on 8 – National Center for Lesbian Rights Social Justice Fund (the "Committee") violated the Act by failing to timely report nonmonetary contributions made totaling $79,050 for salary expeditures. These nonmonetary contributions were required to be reported on the initial Pre-election Campaign Statement for the period ending September 30, 2008 but were not reported until an amendment was filed electronically on November 4, 2008, and on paper on January 26, 2009.

Section 82015, subdivision (c), includes within the definition of contribution "the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration." Section 84211 requires that each

[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.

campaign statement required by the Act contain a description of all contributions made by listing all expenditures of the committee. Section 84211, subdivision (i), requires that the total amount of expenditures made during the period to persons who have received $100 or more from the committee be disclosed and subdivision (k), of that Section requires that detailed information be provided for those expenditures. This information includes the amount of the expenditure, the name and address of the person to whom the expenditure was made, and a brief description of the expenditure. In addition, if as in this case, the expenditure is a contribution to a committee, the date of the contribution, the cumulative amount of contributions made to that committee, the number of the measure; and the jurisdiction in which the measure or candidate is voted upon, is also required to be disclosed.

The Committee violated the Act because it failed to timely report these nonmonetary contributions. However, we are closing this matter with a warning letter because the Committee did amend the statement to properly disclose the nonmonetary contributions before being contacted by the FPPC.

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,

REDACTED

Galena West
Senior Commission Counsel
Enforcement Division