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

September 30, 2009

Lance H. Olson, Esq.
Olson Hagel & Fishburn LLP

REDACTED

Re: North Bay Labor Council and San Francisco Labor Council
FPPC No. 08/388

Dear Mr. Olson:

The Fair Political Practice Commission ("Commission") has completed its investigation of the complaint filed against the North Bay and San Francisco labor councils, in the above referenced case. The allegations involved a number of mailers sent opposing a candidate for the State Senate and the reporting and disclosure obligations under the Political Reform Act ("Act") found in Government Code Section 81000 and following. During the investigation it was determined that the labor council representative in this matter, Mr. Bryan Blum, used the membership database to generate the list of recipients for the mailers. Therefore, the exception for membership communications in Section 85312 applied. As a result, there was no violation of the Act.

Section 85312, Communication to Members of an Organization, provides in part, "payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements."

The mailer list in this matter was generated from a database of affiliated unions of the California Labor Federation ("CLF") and its subsidiary central labor councils, including the North Bay Labor Council and the San Francisco Labor Council. Consequently, all of the intended recipients of the mailers were members, employees, or the families of members, or employees of the affiliated unions of the CLF and its subsidiary central labor councils, including the North Bay Labor Council and the San Francisco Labor Council. Therefore, the mailers in question did not violate the reporting and disclosure requirements of the Act.

We are closing this case without violation. If you have any questions regarding this matter please feel free to contact me at (916) 322-8218.

Sincerely,

REDACTED

Mellonie S. Yang
Assistant Chief of Enforcement

MSY:fp
cc: Mr. Daniel Miller, County of Marin