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

October 21, 2010

Mr. Scott Yuill
Friends to Re-Elect Scott Yuill to Rocklin City Council
Redacted

David Brockway
Treasurer
Friends to Re-Elect Scott Yuill to Rocklin City Council
Redacted

Re: **Advisory Letter**
FPPC No. 10/905; Mr. Scott Yuill, Friends to Re-Elect Scott Yuill to Rocklin City Council, and David Brockway, Treasurer

Dear Messrs. Yuill and Brockway:

As you may know, the Enforcement Division of the Fair Political Practices Commission (the "Commission") has received a complaint against you. After review of the complaint, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The Commission enforces the provisions of the Political Reform Act (the "Act"), found in Government Code section 81000, and following. The complaint against you alleged that, as an incumbent up for re-election to the Rocklin City Council in November 2010, you may have violated the Act when you sent a political mailer supporting your re-election in November without the proper sender identification.

Under the Act, a candidate may redesignate a campaign committee and campaign bank account for reelection to the same office at a future date if the candidate is running for a local office as long as certain conditions are met. Regulation 18521(b)(1-5) states:

> "Candidates Other than Candidates for Elective State Office: A controlled committee and campaign bank account established for a specific office may be redesignated as a campaign bank account for a future election if:
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> "(1) The future election is for the same elective office;

"(2) The funds in the campaign account/committee are not considered "surplus campaign funds" as defined in Government Code section 89519;

"(3) The candidate amends the Statement of Organization for the committee to reflect the redesignation for the future election;

"(4) The candidate files a new statement, signed under penalty of perjury, of intention to be a candidate for the specific future election; and

"(5) Redesignation of committees/bank accounts is not otherwise prohibited by law."

However, we have determined that an enforcement action for a violation is not warranted, because it appears that you complied with all the criteria of the regulation when you filed an amended Statement of Organization on October 18, 2010 with the Rocklin City Clerk.

Additionally, Government Code section 84305(b) states no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mailing. The Act does not specifically limit committees to a single street address, and allows for the use of a "mailing" address or another street address so long as that address is listed on the Statement of Organization. The address on the political mailer that was submitted with the complaint does not reflect the address listed on the amended Statement of Organization. You must amend your Statement of Organization to reflect this information if wish to continue to use an address other than what is listed on your Statement of Organization.

Nevertheless, although we have decided not to pursue an enforcement action in this matter, you are advised that your failure to comply with the provisions of the Act in the future could result in an enforcement action. In addition, the information in this case will be retained, and may be used against you, should an enforcement action become necessary, based on future conduct and/or newly discovered information.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916-327-2018.

Sincerely,

Redacted

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr

cc. Mr. Daniel Diroll