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

October 9, 2009

Tom Cookman

REDACTED

Warning Letter Re: FPPC No. 04/070, Pacific Lumber

Dear Mr. Cookman:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you alleging that the Safety Yes! Recall Gallegos committee (the "Committee) violated sections 84503, 84504, and 84505 of the Act, specifically in relation to contributions over $50,000 from the MAXXAM Inc. and its affiliate the Pacific Lumber Company.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found the Committee failed to identify itself using a name or phrase that clearly identified MAXXAM Inc. and its affiliate the Pacific Lumber Company, a major donor of $50,000 or more.

The Act provides that non-disclosure of a major donor of $50,000 is prohibited. Specifically section 84504 of the Act provides that "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 ($50,000) or more in any reference to the committee required by law, including, but not limited, to its statement organization filed pursuant to section 84101."

In addition, section 84503 of the Act provides that "any advertisement for or against any ballot measure shall include a disclosure statement identifying any person whose cumulative contributions are fifty thousand dollars ($50,000) or more."

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[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.

Your actions violated the Act because you failed to identify MAXXAM Inc. and its affiliate the Pacific Lumber Company in the name of the Committee once it had received $50,000 or more in contributions from that organization. This includes, but is not limited to, your failure to identify MAXXAM Inc. and its affiliate the Pacific Lumber Company in the name of the committee in statements submitted to the Humboldt County Elections Offices after January 30th, 2004. This also includes, but is not limited to, your failure to identify MAXXAM Inc. and its affiliate the Pacific Lumber Company in television and radio advertisements between February 7th, 2004 and March 2nd, 2004, paid for by the Committee.

This letter serves as a written warning. Enforcement actions are not available for these violations at this point due to the time limitation on enforcement actions set forth in section 91000.5 of the Act. 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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

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Gary Winuk
Chief, Enforcement Division