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

October 24, 2011

Mr. H. Abram Wilson
Wilson for Council 2011

REDACTED

Mr. Dennis Garrison
Treasurer, Wilson for Council 2011

REDACTED

Warning Letter Re: FPPC No. 11/921; H. Abram Wilson, Wilson for Council 2011, and Dennis Garrison, Treasurer

Dear Messrs. Wilson and Garrison:

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 that alleged you failed to properly disclose campaign expenditures. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. The FPPC found that you violated section 84211 of the Act when you failed to itemize the payments made by your committee's credit card. Specifically subdivision (k) of section 84211 requires committees to itemize expenditures of $100 or more. For purposes of subdivision (k) the term expenditure means accrued expenses. For reporting purposes, a committee's credit card is treated in the same manner as the committee's checking account. The FPPC has advised that all vendors who receive a single payment of $100 or more must be itemized on the committee's campaign statement. However, if more than one payment is made during a reporting period to a vendor for the same good or service, the payments must be cumulated to determine if the $100 threshold has been reached. Payments made on a committee's credit card are direct expenditures made by the candidate or committee and as such, must be itemized

[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.

at the $100 threshold. For purposes of section 84211(k), both the credit card company and the vendor are considered to be a person to whom an expenditure of $100 or more has been made. (*Willet* Advice Letter A-03-165.)

Your actions violated the Act because you failed to list the credit card as an accrued expense and you failed to itemize the payment made by the credit card to ElectionMallShopping.com.

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. However, because you amended your statement to reflect the payment made to the vendor for your campaign paraphernalia immediately after contact from the Enforcement Division, we are closing this matter with a warning letter.

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 Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr

Cc: Steve O'Brien