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

November 4, 2010

Mr. Robert Eierman
Don't Tread on Me – Citizens
For Freedom

Redacted

Advisory Letter Re: FPPC No. 10/942; Don't Tread on Me – Citizens for Freedom; Robert Eierman, Respondent(s)

Dear Mr. Eierman:

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 and your organization that alleged that your organization failed to file campaign disclosure statements in connection with its activity to place a referendum on the ballot.

It appears that Don't Tread on Me – Citizens for Freedom may have qualified as a campaign committee.

The Act provides that an organization becomes a campaign committee once it starts the signature gathering process and raises or spends $1,000 or more in an attempt to qualify a referendum for a ballot. (Sections 82013; 82015; *Numainville* Advice Letter, No. I-10-049.) Once an organization becomes a committee, it is required to file campaign disclosure statements disclosing contributions received and expenditures made in connection with its activity.

In addition to the money raised or spent in connection with the qualification of the referendum on the ballot, you also need to consider any goods or services you may have received that may have qualified you as a committee. (Section 84211.) It is our understanding that Don't

[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.

Tread on Me – Citizens for Freedom received pro bono legal services from a law firm for the purpose of filing an action against the City of Ridgecrest to force the City to place the referendum on the ballot. If the employee of the law firm spent 10 percent or more of his or her compensated time in any one month rendering services to your organization, the services to your organization were in-kind contributions from the law firm.

Accordingly, if your organization raised or spent $1,000 or more in connection with the qualification of the referendum, or if the attorney who represented you in your action against the City spent 10 percent or more of his or her compensated time in any one month to your organization that amounted to $1,000 or more, or together with your activity in the signature gathering process amounted to $1,000 or more, your organization qualified as a campaign committee under the Act and incurred a campaign filing obligation. After you have reviewed this information and you determine that your organization did qualify as a campaign committee, please contact the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Friday, between 9:00 a.m. and 4:00 p.m., for assistance regarding your filing obligations. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,

Redacted

Jeanette E. Turvill
Political Reform Consultant
Enforcement Division

JET/jt