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

November 8, 2010

Steven R. Meyers
Meyers Nave
o/b/o Moraga-Orinda Fire District
Redacted

Warning Letter Re: FPPC No. 10/953, Moraga-Orinda Fire District

Dear Mr. Meyers:

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 your letter to us on behalf of your client, the Moraga-Orinda Fire District (the "District"), alerting us to apparent violations by the District of Section 89001.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the mass mailing of the District's 2009 Annual Report did, in fact, violate Section 89001. The facts in your letter state that the violation of Section 89001 found in the mass mailing of the District's 2009 Annual Report is found also in the mass mailing of the annual reports prepared for the prior four years as well.

The Act provides that "no newsletter or other mass mailing[2] shall be sent at public expense." (GC § 89001, footnote added.) Specifically, the Act prohibits mass mailings sent at public expense if those mailings feature an elected officer affiliated with the agency which produces or sends the mailing. (Regulation 18901.) To "feature" an elected officer in a mass

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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 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.

[2] "Mass mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. (GC § 82041.5.)

mailing sent at public expense means, among other things, to include a photograph of the elected officer. (Regulation 18901, subd. (c)(2).)

The District's actions violated the Act because for four years a mass mailing featuring elected members of the District's Board of Directors has been sent to thousands of households in the District's jurisdiction. Because, however, the featuring of the elected board members appears to have been an inadvertent mistake, the board members did not themselves request that anything in particular be added to the contents of the annual reports, and the District has reported these violations on its own and is correcting the matter without any prior contact from the FPPC's Enforcement Division, we have decided to close this case.

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.

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.

If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

Redacted

Gary S. Winuk, Chief
Enforcement Division

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