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

November 23, 2009

Mr. Robert "Gus" Prouty

REDACTED

Advisory Letter Re. FPPC No. 09/627; Robert "Gus" Prouty

Dear Mr. Prouty:

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 that you violated two provisions of the Act, including the following:

> The complaint alleged that you failed to properly file your Statement of Intention ("SOI") during the November 4, 2008, Galt High School Board election. Specifically, the complaint alleges that you failed to file a SOI in Sacramento County in violation of § 85200.
>
> The complaint additionally alleges that you failed to disclose on your Campaign Statement, contributions and/or expenditures totaling $1,000 in violation of § 84200.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you did not violate any of the Act's provisions with respect to your Campaign Statement and the filing of your SOI.

The Act provides that failure to file your SOI in all counties where filing is required is prohibited. Specifically the Act provides that prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for state or local elective office must file a SOI. (§ 85200) Under the Act, "contribution" and "loan" do not include any payments from the candidate's personal funds for a candidate filing fee or a candidate statement

[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.

of qualifications fee, but do include "the candidate's own money or property used on behalf of his or her candidacy". (§ 82015(c).)

Under section 84215 candidates shall file one copy of the campaign statements required by section 84200 with the elections official of the county in which the candidate or elected official is domiciled. Additionally, candidates for offices containing parts of two or more counties shall file an original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

Candidates who do not have a committee, and who do not anticipate raising or spending $1,000 or more during the entire calendar year, may file one short form campaign statement (Form 470) in connection with an election and incur no additional filing requirements as long as receipts and expenditures remain under $1,000. (§ 84206.).

You spent money on your campaign which was not for a candidate filing fee or a candidate statement of qualifications, a contribution under the Act, and were required to file a SOI. The facts indicate you did properly file a SOI in Sacramento County which is the county with the largest population and your county of residence, therefore you did not violate the Act.

We did not find that you had receipts or expenditures of $1,000 or more. You did file an Officeholder and Candidate Campaign Statement – Short Form as required under § 84206.

Had you failed to properly file your SOI you would have violated sections 84215 and 84200 of the Act. Had you spent more than $1,000 without properly reporting it you would have violated section 82013 of the Act. However, we have determined that an enforcement action for a violation is not warranted, because it appears that you complied with your requirement to properly file your SOI and you did not spend more than $1,000. 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.

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 916-322-5660.

Sincerely,

REDACTED

Ty D. Moore
Commission Counsel
Enforcement Division