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

November 29, 2011

Samantha Freitas
Friends for Freitas
REDACTED

RE: Warning Letter
FPPC Case No. 11/866; Samantha Freitas, Friends For Freitas

Dear Ms. Freitas:

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 made by your filing officer that alleged you failed to amend your termination campaign disclosure statement, Form 460.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee failed to properly terminate your committee.

When a candidate terminates their committee, certain criteria must be followed. (Section 84214 and regulation 18404.) Pursuant to regulation 18404 subdivisions (2) and (3), committees can terminate their committee when the committee has eliminated or has declared that is has no intention or ability to discharge all of its debts, loans received and other obligations, and that the committee has no surplus funds.

Your actions violated the Act because you terminated your committee with an ending cash balance. On April 1, 2009, you filed a termination campaign statement for the period covering October 31, 2008 through December 31, 2008. On the Summary Page, you reported an ending cash balance of $5,572.63. In order for you to terminate your committee, you needed to have a zero cash balance. However, because you filed an amendment to disclose expenditures made by your committee to reflect an ending cash balance of zero, we are closing this matter with a warning letter.

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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.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

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: Claire Cooper, City Clerk, City of Petaluma