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

December 9, 2010

Mr. Bill Baber
Yes on K, Oceanside Charter Committee
Redacted

**Warning Letter Re: FPPC No. 10/471; Yes on K, Oceanside Charter Committee; Bill Baber, Treasurer, Respondents**

Dear Mr. Baber:

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 your committee failed to identify itself as a committee sponsored by the Associated Builders and Contractors PAC.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that for a relatively short period of time, your committee received 80 percent of its funding from the Associated Builders and Contractors PAC, but that additional contributions were received that changed the status of your committee.

Section 82048.7 provides that if a committee receives 80 percent of its contributions from any person, or the person's members, officers, employees, or shareholders, that the committee is sponsored by that person and the name of the sponsor must be included in the name of the committee. (Section 84106.)

Your actions violated the Act because you should have reflected the name of your sponsor in the name of your committee. However, since that sponsorship was for a relatively short period of time and your committee received significant contributions from other sources prior to sending out a communication supporting Proposition K, we are closing this matter.

---

[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.

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.

Additionally, while reviewing the campaign statement for your committee and that of the Oceanside Citizens for Fiscal Responsibility, we found two non-monetary contributions that Yes on K failed to report. The Oceanside Citizens for Fiscal Responsibility reported making two contributions to Yes on K; one on May 10, 2010 in the amount of $6,920.69, and one on May 18, 2010 in the amount of $4,325.80. Neither of these contributions was reported by Yes on K.

You must immediately amend your pre-election campaign statement for the period March 18, 2010 through May 22, 2010 to report on Schedule C, the receipt of these two non-monetary contributions. (Section 84211(f); Regulation 18215(b)(3).)

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 me with any questions you may have regarding this letter.

Sincerely,

Redacted

Gary S. Winuk, Chief
Enforcement Division

GSW/jt