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

December 7, 2010

Ms. Kinde Durkee
Santa Monicans for Quality Government
Redacted

Mr. Fred Huebscher
Santa Monicans for Quality Government
Redacted

Warning Letter Re: FPPC No. 10/1042, Santa Monicans for Quality Government; Kinde Durkee, Fred Heubscher, Respondents

Dear Ms. Durkee and Mr. Huebscher:

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 you filed a committee Statement of Organization (Form 410) with the City of Santa Monica, but failed to file subsequent campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the activities of the Santa Monicans for Quality Government qualified it as a state slate mailer organization, rather than a city general purpose committee, but the organization filed its Statement of Organization with the Secretary of State five days late.

[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.

The Act provides that a statement of organization shall be filed within 10 days after the organization receives or is promised $500 or more for producing one or more slate mailers. (Section 84108(c).)

Your actions violated the Act because the organization received its first payment on October 6, 2010 and should have filed the statement of organization by October 16, 2010. That statement was not filed until October 22, 2010, six days late.

Additionally, since Santa Monicans for Quality Government qualified as a slate mailer organization on October 6, 2010, it was required to file its first campaign statement by October 21, 2010, covering activity for the period January 1, 2010 through October 16, 2010. (Sections 84218(b)(1) and 84200.7.) The first campaign statement was not filed until October 25, 2010, four days late. Since the time between the due date of any statement and its filing by your organization was less than ten days, we are closing this matter.

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.

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