FAIR POLITICAL PRACTICES COMMISSION
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December 9, 2009

Natalie Clark
Natalie Clark for Fresno Unified

REDACTED

Larry M. Fortune, Treasurer
Natalie Clark for Fresno Unified

REDACTED

Cynthia Downing
Fresno Citizens for Good Government

REDACTED

RE: **Advisory Letter**
FPPC Case No. 090767; Natalie Clark, Natalie Clark for Fresno Unified, Larry M. Fortune, Cynthia Downing, Fresno Citizens for Good Government

Dear Ms. Clark, Mr. Fortune, and Ms. Downing:

In response to our letter to you dated November 23, 2009, we have received a copy of the amended campaign filing for Natalie Clark for Fresno Unified date-stamped by Fresno County Elections. The amended filing by Natalie Clark for Fresno Unified removes a contribution previously disclosed as made by Fresno Citizens for Good Government. Included with the copy of the filing is an explanation from Larry M. Fortune, Treasurer for Natalie Clark for Fresno Unified, regarding why Natalie Clark for Fresno Unified disclosed a payment by the Fresno Citizens for Good Government as a contribution when the same payment was disclosed by Fresno Citizens for Good Government as an independent expenditure supporting Ms. Clark. According to Mr. Fortune's letter, the payment was disclosed as a contribution "out of an abundance of caution and in the spirit of full and complete disclosure," but in fact was actually an independent expenditure and not made at the behest of Ms. Clark's committee.

In light of the fact that both of your committees employed Orman Communication as a consultant, we advise you that an expenditure is presumed to be made at the behest of a candidate when the person making the expenditure retains the services of a person who provides the candidate with professional services related to campaign or fundraising strategy for that same election . . . ." (Regulation 18225.7(c)(3).) In his letter to us, Mr. Fortune acknowledges the presumption, but states that there was no coordination between the committees.

In part because, according to Fresno County Elections, candidates for Fresno Unified are not subject to contribution limits, there is insufficient evidence to prove that the payment was incorrectly disclosed as an "independent expenditure" by Fresno Citizens for Good Government to avoid exceeding allowable contributions. After a review of the information provided by Natalie Clark for Fresno Unified, we have decided to close this matter without commencing prosecution of the case.

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

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

Sincerely,

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Adrianne Korchmaros
Political Reform Consultant
Enforcement Division

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cc: John Hazelett