



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

December 23, 2014

San Diego County Voters for Progress and Reform
Voters for Progress and Reform
C/O Robert Otilie, Esq.



Warning Letter Re: FPPC No. 14/197, San Diego County Voters for Progress and Reform

Dear Respondent:

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, San Diego County Voters for Progress and Reform, now known as Voters for Progress and Reform (the "Committee"), that alleged you failed to properly identify your committee sponsor and failed to identify a principal officer.

The FPPC has completed its investigation of the facts in this case. The FPPC found that beginning in 2012, T.J. Zane qualified as a principal officer of the Committee but the Committee did not identify him as such on the Committee's statement of organization (Form 410) until May of 2014.

The Act provides that all principal officers must be identified on a committee's statement of organization. (Section 84102, subd. (c).) Under Regulation 18402.1, subdivision (b) a "principal officer" of a committee is defined as an individual primarily responsible for approving the political activity of the committee, including but not limited to the following activities:

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.

- (1) Authorizing the content of committee communications;
- (2) Authorizing committee expenditures, including contributions; and
- (3) Determining the committee's campaign strategy.

If more than one individual shares the primary responsibility for approving political activity of the committee, each of those individuals is a principal officer and shall be disclosed on the Form 410. (Regulation 18402.1, subd. (c).)

Your actions violated the Act because T.J. Zane was responsible for most aspects of the Committee's operations, including authorizing the content of communications, authorizing expenditures, and determining the committee's campaign strategy. But the Committee's statement of organization on file did not identify him as principal officer in violation of Section 84102, subdivision (c). However, since the Committee has amended its statement of organization to identify Zane as a principal officer and cooperated in this investigation, we have decided to close this case with a warning letter.

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.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me at (916) 323-6302 with any questions you may have regarding this letter.

Sincerely,



Dave Bainbridge
Senior Commission Counsel
Enforcement Division

Cc: Stacey Fulhorst, Executive Director, City of San Diego Ethics Commission