



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

January 27, 2023

Oceanside SOAR – Save Open-space and Agricultural Resources
Dennis Martinek
Suzy Martinek
Via email: dmartinek@palomar.edu

Re: Warning Letter for FPPC Case No. 2018-159, In the Matter of Oceanside SOAR – Save Open-space and Agricultural Resources, Dennis Martinek, and Suzy Martinek

Dear All:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ This case arose from a sworn complaint alleging various violations of the Act. An investigation determined that the Committee, Oceanside SOAR – Save Open-space and Agricultural Resources (“the Committee”), Dennis Martinez (as principal officer), and Suzy Martinek (as treasurer) failed to amend the name of the committee, a primarily formed ballot measure committee, to include the language, “supporting Measure Y.

The City of Oceanside considered a ballot measure, designated as measure Y, during the November 6, 2018 General Election. This ballot measure received the designation Y on or around August 13, 2018. The Committee was a primarily formed ballot measure committee formed to support Measure Y. The Act requires that primarily formed ballot measure committees to amend the name of the committee to include a statement indicating support or opposition to the measure or measures that the committee was formed in response to.² In this case, the Committee should have included the phrase, supporting Measure Y. In addition, the failure to comply with the Act’s naming violations caused advertisement disclosure statements to be incomplete. However, the evidence shows that the Committee’s principal officers were not experienced, that they largely made good faith efforts to comply with the Act, and the advertisements were supportive of Measure Y and were not misleading. In addition, you have agreed to a streamline settlement for additional violations, as noticed on the January 26, 2023

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84107.

Commission Meeting. Therefore, the Enforcement Division has determined that further enforcement action is not warranted and will close this matter with this letter.

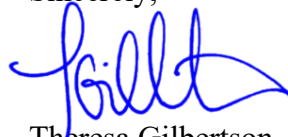
This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 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 Enforcement Division 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 Commission'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 916-323-6421 or tgilbertson@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Sworn Complainant, James Sutton