



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

May 31, 2013

Leo Briones
1692 Story Road, #200
San Jose, CA 95122

Re: Sworn complaint against Cindy Chavez; Steve Preminger; Forrest Williams; Ben Field; Troy Jones; Steve Jones; Andrew Goett; Quang Van Tran; and Ed McGovern

Dear Mr. Briones:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. After review of the complaint, the information you provided is insufficient to establish a violation of the Act.

You allege Santa Clara County Supervisorial Candidate Cindy Chavez, the Santa Clara County Democratic Central Committee UDC, and the South Bay AFL-CIO Labor Council Committee on Political Education coordinated their mailings in violation of Section 85550.

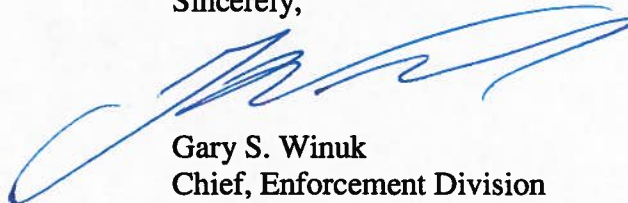
Under this section, an expenditure may not be considered independent, and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure is made if the expenditure is made in coordination with the candidate or committee. However, under Section 85312, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. If the payments were made by a political party for communications to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code that would otherwise qualify as contributions or expenditures, then those payments shall be reported. Furthermore, Regulation 18531.7(e) states a payment that is made at the behest of a candidate or committee for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or ballot measure is not a contribution to the candidate or committee at whose behest the communication was made.

The flyers submitted with the complaint appear to fall within these exceptions.



Thank you for taking the time to bring this matter to our attention. If you have any questions regarding this decision, or come upon factual evidence to substantiate your claims, please contact Teri Rindahl at 916.327.2018.

Sincerely,



Gary S. Winuk
Chief, Enforcement Division

GSW/tr

cc: Cindy Chavez; Steve Preminger; Forrest Williams; Ben Field; Troy Jones; Steve Jones; Andrew Goett; Quang Van Tran; and Ed McGovern (with copy of complaint)