



FAIR POLITICAL PRACTICES COMMISSION

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

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November 12, 2008

Via U.S. Mail

✓ Palo Alto Professional Fire Fighters
Local 1319 PAC
P.O. Box 712
Palo Alto, CA 94301

Tanya L. August, Treasurer
o/b/o Palo Alto Professional Fire Fighters
Local 1319 PAC
P.O. Box 712
Palo Alto, CA 94301

**Re: Warning Letter
FPPC No. 06/041, Palo Alto Professional Fire Fighters
Local 1319 PAC**

Dear Palo Alto Professional Fire Fighters Local 1319 PAC and Ms. August:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act (the "Act")¹, found in California Government Code Section 81000 and following. The FPPC received a complaint alleging that Palo Alto Professional Fire Fighters Local 1319 PAC (the "Committee"), Anthony P. Spitaleri (president of the Union), and Mark Pittenger (former treasurer of the Union's PAC), violated the Act by failing to file semi-annual campaign statements for reporting periods between July 1, 2003, and June 30, 2005. We have decided to close this case with a warning letter.

The Act, in Section 84100, requires every committee to have a treasurer, and Regulation 18427 enumerates the duties of treasurers, which includes preparing and verifying all campaign statements filed on behalf of their committees. Thus, treasurers are responsible for all reportable campaign activity by their committees under the Act.

Palo Alto Professional Fire Fighters Local 1319 PAC (the "Committee") registered as a recipient committee in 1988. Mark Pittenger was the treasurer of record for the Committee between July 1, 2003 and June 30, 2005.

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.

Committees and their treasurers are required to file semi-annual campaign statements disclosing all contributions received and expenditures made during the reporting period. Section 84200, subdivision (a), requires recipient committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

Based on the evidence obtained during our investigation, the Enforcement Division has determined that the Committee, in violation of Section 84200, failed to timely file its semi-annual campaign statements for the following reporting periods: 1) July 1 – December 31, 2003; 2) January 1 – June 30, 2004; 3) July 1 – December 31, 2004; and 4) January 1 – June 30, 2005.

We have nevertheless decided to close this case. Upon review of the evidence available, it appears that the subject campaign statements were not timely filed due, in part, to the illness and death of Mr. Pittenger. Additionally, all of the semi-annual campaign statements for the reporting periods between July 1, 2003, and June 30, 2005, were filed with the proper filing officer on September 22, 2006, prior to any Enforcement Division contact.

This letter serves as a written warning. The information in this case will be retained, and may be used against you should an enforcement action later become necessary based on future conduct and/or newly discovered information. Please be advised that failure to comply with the provisions of the Political Reform Act in the future may result in monetary penalties of up to \$5,000 for each violation.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Friday, between 9:00 a.m. and 4:00 p.m. Please also visit our website at www.fppc.ca.gov.

If you have any questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,



Angela J. Brereton
Commission Counsel
Enforcement Division