

Comment Letter Sent Via Email

I am registering my concern over the failure to fine the Orange Park Association for violating Section 84503 of the PRA regarding identifying the source of funds for paying for ballot measure ads. My arguments are addressed below in the e-mail I sent to Ms. Korchmaros.

The Orange Park Association published ballot measure ads over a 7-8 month period in a paper broadly circulated in the cities of Villa Park, Orange and the North Tustin area. Not once were campaign statements filed to disclose who was contributing to the funding of these advertisements, nor was the required disclaimer (Paid For By _____) included on any of the ads. The opponents of the ballot measure complied fully with all the disclosure requirements. I believe it sends a very bad message to others that all you have to do is put a website on your ads and that is sufficient - which it is not. That doesn't mean the website paid for the ads - which is the case herein. Disclosure is the primary goal of the PRA - you need to enforce these rules.

Additional information:

Since talking to you earlier this afternoon, I stopped by the City of Orange City Clerk and did retrieve two Form 460s filed by the Orange Park Association.

There are several discrepancies on these forms which I shall itemize below:

1. They never secured a Committee ID number through the SoS office and instead are using an employee ID number (45-4564565),
2. The first 460 they filed covered the period 1-1-11 thru 12-31-11. The Summary Page and Schedule A are incomplete.
3. The second 460 they filed covered the period 1-1-12 thru 6-30-12. Again the Summary Page and Schedule A are incomplete.

The above being said, these are minor errors and the essential information is provide.

However, I am concerned that they are not being cited for failure to include on their 7 paid ballot measure advertisements the disclaimer "Paid For By _____". I understand you are under the impression that this measure is no longer scheduled for the ballot. That is not the case. Since the initial Court decision, the Orange Park Association won a stay which then placed the measure back on the ballot. Although the stay is not in any way a reversal of the initial Court decision, it has caused the matter to be placed back on the ballot (due to deadlines for placing matters on the ballot in the event the initial Court decision is overturned).

I do not believe it is in the interests of fair play that the FPPC allows these ballot measure advertisements without the required disclaimer "Paid for by _____" and I urge the FPPC to increase the fine in the Stipulation for Case No. 12/330, particularly since this measure is going to be on the November 2012 ballot. Furthermore, the Orange Park Association had to be aware of the requirement for this Disclaimer as the opponents to this ballot measure accurately and completely filed their 460s detailing contributions and expenditures AND included the disclaimer on all of their advertisements.

Author of Complaint for Case 12/330
Shirley L. Grindle (author of Orange County Campaign Finance Ord.)

Contact information redacted.