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July 7, 2008

By Hand Delivery

FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814-2329

Re: Sworn Complaint: Davis Democratic Club; Elizabeth Weir, Treasurer
FPPC File No. 08/390
**Request for Fair Political Practices Commission to Commence Civil Action
California Government Code Section 91007**

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RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

Dear Fair Political Practices Commission:

By this letter I request the Fair Political Practices Commission to Commence a civil action in the above-referenced matter under the provisions of Government Code section 91007.

The statement of the grounds for believing one or more causes of action exist are generally, and not by way of limitation, as follows:

GENERALLY

In general, the Davis Democratic Club (the "DCC") has for several years committed two serious and on-going types of violations:

Since legally required to do so beginning in September 2004, the DCC:

- A. Has not filed any campaign finance reports or disclosures with the Secretary of State in Sacramento, the San Francisco County Elections Office or the Los Angeles County Registrar of Voters; and
- B. Has not filed numerous pre-election and 24-hour campaign finance reports or disclosures with either the Yolo County Elections Office or with the Secretary of State in Sacramento, the San Francisco County Elections Office or the Los Angeles County Registrar of Voters.

On information and belief, the DCC has filed only semi-annual reports, using forms 460, with the Yolo County Elections Office. Many of these reports regularly omit legally required information.

The DCC is not a minor general purpose political committee, having received and spent well over \$101,008.66 since 2000, and \$66,257.47 since January 1, 2003.

It is especially important that the DCC comply with the law since it has the ability to receive and spend unlimited amounts of money as a "general purpose" committee.

SPECIFIC CAMPAIGN FINANCE VIOLATIONS

The campaign finance filing and reporting violations of the DCC, without limitation, are as follows:

A.

In General

1. The DCC failed to make any paper filing as required with the Sacramento office of the California Secretary of State since September 2004, when the law changed to status of the DCC to a general purpose committee.¹ Taken as a whole, beginning with the period January 1, 2004, there are over 10 violations on the part of the DCC in this regard. It should be noted that even the filings at the Yolo Elections Office are incomplete in material respect for repeated failure to include expenditure reports, thus depriving the public of access to expenditure information as required by law.

2. The DCC failed to make any paper filing as required with the San Francisco County Office of Elections since September 2004, when the law changed to status of the DCC to a general purpose committee. As stated in Paragraph 2 above, taken as a whole, beginning with the period January 1, 2004, there are over 10 additional violations on the part of the DCC in this regard. It should be noted that even the filings at the Yolo Elections Office are incomplete in material respect for repeated failure to include expenditure reports, thus depriving the public of access to expenditure information as required by law.

3. The DCC failed to make any paper filing as required with the Los Angeles County Registrar of Voters since September 2004, when the law changed to status of the DCC to a general purpose committee. As stated in Paragraph 2 above, taken as a whole, beginning with the period January 1, 2004, there are over 10 additional violations on the part of the DCC in this regard. It should be noted that even the filings at the Yolo Elections Office are incomplete in

¹ This includes all semi-annual, pre-election, 24-hour and other reports required.

material respect for repeated failure to include expenditure reports, thus depriving the public of access to expenditure information as required by law.

B.

Summary of Violations in Last Four Years²

1.

Calendar Year 2004

5. No pre-election statement for the period July 1 to September 30, 2004 is filed at any local or Secretary of State location. (Govt. Code sec. 84200.5.)

6. No pre-election statement for the period October 1 to October 16, 2004 is filed at any local or Secretary of State location, presuming at least one of the \$9,319.72 in unitemized contributions received in the July 1 through December 31, 2004 period were received during the first half of October. (Govt. Code sec. 84200.5.)

7. No 24-hour reports were filed for the period October 17 to November 1, 2004 are filed at any local, Secretary of State, San Francisco or Los Angeles location, presuming at least some of the \$9,319.72 in unitemized contributions received in the July 1 through December 31, 2004 period were received during the last half of October.

8. The \$9,319.72 stated in the second semi-annual statement (form 460, page 2) unitemized contributions of less than \$100 each, appears to be without foundation.

9. No Schedule E was filed to disclose \$19,308.88 expenditures made from July 1 to December 31, 2004.

10. Began using 745-850 as the wrong FPPC Identification Number (see page 2, Form 460, July 1 to December 31, 2004 semi-annual statement.

² Many other campaign finance violations exist for the years preceding 2003. For purposes of seeking compliance and fairness only, years prior to 2003 are not listed in this complaint.

2.

Calendar Year 2005

11. No pre-election statements for the Special Election were filed at any location (multiple violations).

12. No Schedule E, Expenditures, filed at all for the \$3,576.41 expended during the first six months of 2005.

13. No Schedule E, Expenditures, filed at all for the \$3,472.52 expended during the last six months of 2005.

14. The \$6,262.00 stated in the second semi-annual statement (form 460, page 4) un-itemized contributions of less than \$100 each, appears to be without foundation.

3.

Calendar Year 2006

15. No pre-election statements for the period January 1 to March 17, 2006 were filed at any local or Secretary of State location. (Govt. Code sec. 84200.5.) (Multiple violations.)

16. No pre-election statements for the period March 18 to May 20, 2006 were filed at any local or Secretary of State location. (Govt. Code sec. 84200.5.) (Multiple violations.)

17. No pre-election statements for the period July 1 to September 30, 2006 were filed at any local or Secretary of State location. (Govt. Code sec. 84200.5.) (Multiple violations.)

18. No pre-election statements for the period October 1 to October 21, 2004 were filed at any local or Secretary of State location. (Govt. Code sec. 84200.5.) (Multiple violations.)

19. No Schedule E, Expenditures, filed at all for the \$4,008.40 expended during the first six months of 2006.

20. No Schedule E, Expenditures, filed at all for the \$19,161.42 expended during the last six months of 2006.

21. The \$9,933.92 stated in the first semi-annual statement (form 460, page 8) un-itemized contributions of less than \$100 each, appears to be without foundation.

22. The \$5,157.91 stated in the second semi-annual statement (form 460, page 5) un-itemized contributions of less than \$100 each, appears to be without foundation.

23. On the Form 460, January 1 to June 30, 2006 semi-annual statement, the summary page shows total contributions for the period at \$5,641, but the total stated as the total for Schedule A is \$12,953.92, a difference of \$7,312.92.

24. At a minimum, during 2006, the DCC raised \$55,262.32 beginning January 1, 2003 through June 30, 2006, requiring the DCC to begin filing electronically. No electronic statements have ever been filed.

4.

Calendar Year 2007-2008

25. No odd-year statements for the January 1 through March 31, 2007 period were filed at any location (multiple violations).

26. No odd-year statements for the July 1 through September 30, 2007 period were filed at any location (multiple violations).

27. No semi-annual and no electronic statements for the January 1 through June 30, 2007 semi-annual period were filed at any state location (multiple violations).

28. No semi-annual and no electronic statements for the July 1 through December 31, 2007 semi-annual period were filed at any state location (multiple violations).

29. No pre-elections statements for the periods prior to the February 2008 Presidential Election were filed at any location (multiple violations).

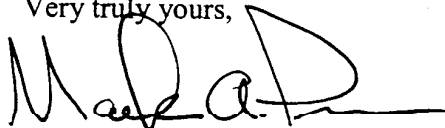
These are a summary of violations which the undersigned believes have occurred, some of which are on-going.

The above-stated list is not intended to be exhaustive. The undersigned may develop or discovery facts in support of other violations, which violations may become part of a civil action.

Fair Political Practices Commission
July 7, 2008
Page Six

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark A. Pruner', with a long horizontal flourish extending to the right.

MARK A. PRUNER

MAP:m