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December 6, 2011

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

Re: Agenda Item #26: Adoption of Proposed Regulation 18404.2 - Administrative Committee Termination.

Dear Chair Ravel and Commissioners:

On behalf of California Common Cause and the 400,000 members nationally, please accept this letter which includes our comments regarding the regulations related to Administrative Committee Termination.

This proposed regulation is well-intended and will allow the Commission to take action against “zombie-committees” that exist on paper but have not taken any actions, including filing reports, for an extended period of time. The regulation will save the Commission time and public funds and should be adopted with one simple amendment that will retain regulatory consistency.

Whenever the Commission has granted itself power to act administratively whether it be issuing subpoenas (§18361.1), holding administrative hearings (§18361), and even terminating and reopening of committees (§18404.1), the Executive Director has historically been the administrative lead on these actions. It has been through the direction and delegation of the Executive Director that Commission staff is able to act administratively against committees and individuals.

We understand the Executive Director position remains unfilled by the Commission, however this will not be the case indefinitely and the regulations should reflect reality. The Executive Director is the *only* Commission officer authorized by the Act (§83107). The Commission would be setting an unfortunate precedent by adopting a regulation that empowers a non-statutory officer to operate outside the delegation or direction of the Executive Director. We respectfully ask for the common sense amendment.

Sincerely,

Phillip Ung
Policy Advocate