



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

May 16, 2016

Ted Mertens
J. L. Mertens, Treasurer
Committee to Elect Ted Mertens – Indian Wells City Council - 2012
[REDACTED]
[REDACTED]

Re: Warning Letter {Corrected to Add Missing Portion of the Last Sentence on the First Page}
FPPC Case No. 16/394

Dear Mr. and Ms. Mertens:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of California’s Political Reform Act (the “Act”).¹ This letter is in response to a complaint which alleged that Committee to Elect Ted Mertens – Indian Wells City Council - 2012 violated the Act’s campaign disclosure provisions by failing to fully disclose an ongoing loan to the committee . After investigation, the Enforcement Division of the FPPC is closing its file on this matter with a warning letter as discussed below.

In 2008, a loan was made by Ted Mertens to Committee to Elect Ted Mertens – Indian Wells City Council - 2012 in the amount of \$7,500. By the date the campaign pre-election statement (Form 460) covering the period from July 1, 2012, through September 30, 2012, was due on October 5, 2012, this loan balance was at \$6,521. However, no information regarding this loan was disclosed on the pre-election statement filed on October 5, 2012, until an amendment was filed on October 23, 2012.

Section 84211(g) requires that loans outstanding during the period covered by a campaign statement be disclosed with the following information: details regarding the lender, the original date and amount of the loan, the cumulative payment made or received to date at the end of the reporting period, which in the case of the loan at issue was -0-, the balance outstanding at the end

¹ The Act is contained in California Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the FPPC 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.

of the reporting period, and the cumulative amount of contribution/loan from that particular lender.

The actions of Ted Mertens to Committee to Elect Ted Mertens – Indian Wells City Council – 2012 violated the Act when it filed the pre-election campaign statement without information regarding the ongoing loan balance. However, given that the committee did file an amendment shortly after filing the deficient statement and has no prior violations, we are closing this case with this warning letter. Even though we are closing this matter with a warning letter, the information in this case will be retained and may be used against you should an enforcement action become necessary due to newly discovered information and/or failure to comply with the Act in the future. Failure to comply with the provisions of the Act in the future may result in administrative prosecution and monetary penalties of up to \$5,000 per violation.

Please note that the FPPC can provide advice and assistance for issues that may arise in the future. For more information about obtaining formal or informal advice, please visit our website at <http://www.fppc.ca.gov/advice.html>.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please contact Adrienne Korchmaros at akorchmaros@fppc.ca.gov with any questions you may have regarding this matter.

Sincerely,

Galena West, Chief
Enforcement Division

GW:AK:ak

cc: Randy Nolen