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April 9, 2007

**SENT VIA EMAIL AND U.S. MAIL**

Honorable William L. Peck  
Chairman and Members of the  
County of Ventura Campaign Finance Ethics Commission  
800 S. Victoria Avenue, L1940  
Ventura, California 93009

Re: Case # 2006-01 – Respondent Judy Mikels

Dear Chairman Peck and Members of the Ethics Commission:

This letter is to advise the Commission about Case # 2006-01, which alleges a violation of the Ventura County Campaign Reform Ordinance (“the Ordinance”) by Supervisor Judy Mikels campaign committee (“the Committee”). For the reasons discussed below, I recommend that the Commission close this case.

The complaint filed by Carroll Dean Williams on April 18, 2006 alleges that Supervisor Mikels violated the Ordinance by soliciting contributions greater than \$600 per person per election. As evidence, Mr. Williams submitted a printout of one page from Supervisor Mikels’s campaign website (www.mikels.com/contribute/html) as it existed on April 4, 2006. The printout included a form from the website that invited contributions to Supervisor Mikels’s campaign. The form stated, “[u]nder current California election law, there are no limits to the amount of money you may contribute to Judy Mikels in her bid for re-election.” It also had boxes where would-be contributors could contribute amounts of \$5,000, \$2,500, and \$1,000, all the way down to \$50. However, on the bottom of the form it says, “[c]ontributions to Mikels for State Senate are not deductible for income tax purposes.”

Based on this information, on April 18, 2006 a finding of probable cause for the Commission to investigate the complaint was issued.

Section 1268 of the Ordinance imposes contribution limitations on “participating candidates.”

No person shall make to any participating candidate for elective [county] office or the controlled committee of such a candidate, and no participating candidate for elective county office or controlled committee of such a candidate shall accept from a person any

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contribution totaling more than six hundred (\$600) per election for each of the following elections for which the individual is a candidate: a primary election or a general (runoff) election.

Participating candidates are those candidates who have accepted voluntary expenditure limits under section 1265 of the Ordinance. Participating candidates may not accept contributions of more than \$600 per person per election, but nothing in the Ordinance generally, or Section 1268 in particular, prohibits the solicitation of such contributions.

Having made an investigation of this matter, I have found no evidence of any violation of the Ordinance. First, Supervisor Mikels did not accept any contributions in excess of \$600 per person per election during the 2006 election. Second, her solicitation of excess contributions is not in itself a violation of the Ordinance.

Supervisor Mikels accepted the voluntary expenditure limits for the June 6, 2006 primary, making her a participating candidate subject to the \$600 contribution limit. Nevertheless, a review of all of Supervisor Mikels campaign filings from 2006 showed she did not accept any contributions totaling more than \$600 per person per election. Since section 1268 applies only when a participating candidate accepts any contribution totaling more than \$600, Supervisor Mikels did not violate section 1268.

Solicitation of contributions in excess of \$600 per person does not violate the Ordinance. Section 1265 applies only to those who make or accept excessive contributions. Although Supervisor Mikels may have solicited such contributions for some period of time through her website, this did not violate the Ordinance; so long as she did not accept any contributions totaling more than \$600 per person, there was no violation.

Moreover, it appears the solicitation on Supervisor Mikels's website was posted inadvertently. The website appears to have been left unchanged from a previous campaign for State Senate, for which the state contribution limits applied, not the county Ordinance. The statement on the website referring to "contributions for Mikels for State Senate" is evidence of this. Sometime after the complaint was filed, the website was revised; by April 29, 2006, the form on the contributions page had a maximum listed contribution of \$600 and referred to the County Election

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Ordinance and the Mikels for County Supervisor campaign. In addition, the file for this case contains a printout of a 2006 direct mail solicitation by Supervisor Mikels in which the maximum contribution listed was \$500, further indicating that she was not intentionally soliciting excessive contributions.

Based on this investigation, I conclude that Supervisor Mikels did not violate the ordinance because she did not accept any contributions totaling more than \$600 per person per election. I recommend that her case be dismissed without finding any violation.

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

Very truly yours,



Craig A. Steele

cc: Del Tompkins  
Matthew Smith, Esq.  
Roberta Rodriguez  
Fredric Woocher, Esq.