

LAW OFFICE OF
GEORGIANNA PENNINGTON REGNIER

116 LA PATERA DRIVE
CAMARILLO, CA 93010-8413
(805) 987-0997
FAX (805) 987-0477

May 31, 2006

SENT BY FACSIMILE TO (805) 677-8711

Roberta Rodriguez
Clerk of the Commission
Ventura County Campaign Finance Commission
800 S. Victoria Avenue
Ventura CA 93009

Re: Probable Cause Determination
Complaint No. 2006-03 (Bennett)

Dear Ms. Rodriguez;

On May 18, 2006 Complainant Carroll Dean Williams re-filed a complaint alleging violation of Ventura County Campaign Finance Reform Ordinance No. 4322 Section 1273(d) against the Friends of Steve Bennett, Respondent. The complaint was re-filed after a no probable cause determination was made on May 5, 2006 by the undersigned Commissioner as to the prior complaint dated April 25, 2006. As with the first complaint I find no probable cause exists. The basis for this finding, however, differs from that of the first complaint as follows:

The Ventura County Campaign Ethics Commission Operating Policies, revised March 2006, Article XII, provides, "Probable Cause means that the Complaint alleges facts, which if proven to be true, would be sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a violation of the Ventura County Campaign Finance Reform Ordinance has been committed and that the Respondent committed or caused the violation."

Pursuant to Section 1273(d) "Every loan to a county candidate or elective county officer or his or her controlled committees shall be by written agreement. Each county candidate or elective county officer shall maintain in his or her committee's records a copy of the written loan agreement." The issues here are whether the Friends of Steve Bennett have violated Section 1273(d) of Ordinance No. 4322 (1) by failing to file a written loan agreement with the Ventura County Elections Department, and (2) by failing to list a \$4,000.00 loan made to the Committee in 2004 on the 2005 California Form 460.

The complaint alleges the following facts: "Friends of Steve Bennett has a loan of \$4,000.00. Recipient Committee, California Form 460." The loan is listed [on each Form 460 covering the statement periods] through 9/30/04, 10/16/04 and 12/31/04 but "NOT listed through 6/30/05 recipient committee of Friends of Steve Bennett." "Del Tompkins of the CEO's office

Roberta Rodriguez
May 31, 2006
Page 2

said, "This must be on file with the Elections Department." The complaint further alleges "Virginia Bloom [Elections Officer] said, "This loan was carried over in the filings and Ordinance 4322 applies."

Regarding the first issue, the alleged facts do not constitute a violation of Section 1273(d). The Ordinance requires the candidate maintain a copy of the written loan agreement in his committee records. There is no provision within the Ordinance requiring the candidate to file a written loan agreement with the Elections Department. And while complainant alleges Del Tompkins of the CEO's Office may have told him otherwise, the language of the Ordinance controls.

The issue of whether the candidate's failure to list the subject loan made to the Committee in 2004 on the 2005 California Form 460 constitutes a violation is outside the jurisdiction of this Commission. Any alleged violations regarding Form 460 fall under the State's jurisdiction vested in the Fair Political Practices Commission. Moreover, such alleged facts do not lend support to a finding of probable cause that a violation of Section 1273(d), or any other provision of the Ordinance, has occurred for the reasons stated above.

The complainant's assertion "There is NOT a copy of the written loan agreement in his committee records" is but a bald conclusion. No facts are alleged to support the conclusion - for example: the complainant inspected the committee records at a specified location and date, searched for a copy of the written loan agreement, and found none. Such factual allegations are essential support for the conclusionary allegation and for a person of ordinary caution and prudence to entertain a strong suspicion a violation has occurred.

Accordingly, the Complaint fails to state facts sufficient to constitute a finding of probable cause.

Respectfully submitted,



GEORGIANNA REGNIER,
Reviewing Commissioner

cc: Honorable William L. Peck,
Chair of the Commission