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July 20, 2006

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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

OFFICE OF CLERK
BOARD OF SUPERVISORS

Re: Probable Cause Determination
Complaint No. 2006-11 (Parks)

Dear Ms. Rodriguez;

On July 7, 2006 Complainant Carroll Dean Williams filed a complaint alleging violations of Ventura County Campaign Finance Reform Ordinance No. 4322 Sections 1289, 1290(a), 1290(b), 1285(c), against Vote for Linda Parks/Linda Parks, Candidate for Supervisor, Respondent. After careful consideration of the Complaint, I find no probable cause exists for the following reasons:

Pursuant to Section 1289 "All broadcast and print advertisements placed by county candidates or their controlled committees shall include a clear written or spoken statement indicating that the candidate has approved the contents of the advertisement." The issue here is whether Supervisor Linda Parks or her committee violated Section 1289 of Ordinance No. 4322 in the 10 pages of website campaign advertisements attached to the complaint.

Construction of the Ordinance is essential to determining whether there is probable cause to believe Section 1289 has been violated. The Ordinance intends full disclosure to promote public trust in government institutions, to reduce the appearance of corruption, and to prevent campaign contributions from unduly influencing elected officials. Promotion of the integrity of the election process is the ultimate purpose of the ordinance (Section 1262). Although Section 1289 is mandatory ("shall include a clear written or spoken statement..."), it includes the term "indicating that the candidate has approved..." (Emphasis added). Webster's Third New International Dictionary of the English Language Unabridged broadly defines "indicate" including "to show the probable presence or existence or nature or course of," synonymous with a "reasonable inference or an action validated by the inference."

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The failure to include explicit language "Paid for and approved by Vote for Parks" within the first two unmarked pages of the attachments to Complaint could be considered at worst a *de minimus* technical violation. Approval by Vote for Parks is implicit if Vote for Parks paid for the ads. Also the ads are posted on the Vote for Parks own website www.voteforparks.com. This is a clear written statement which indicates, even specifies, the candidate's committee has approved the ads. Further, no harm is evidenced. Thus, there is no showing the purpose of Section 1262 has been contravened, only that the final "i" has not been dotted. This omission is overcome by the reasonable inference ("indicating") the candidate has approved the content

A similar analysis can be applied to the next 8 unmarked attachments. All eight pages are written by Supervisor Parks herself. There can be no stronger inference that she approved the content.

The allegations of violations of Sections 1290(b), 1285(c) and 1290(a) reference only "goods & services", "goods & services shall be reported at the fair market value...", and "or committee receives goods & services", respectively. The Complaint contains no facts to support the presumed allegation that "goods and services were not "reported at the fair market value of the contribution and covered by the contribution limits of this ordinance" in violation of Section 1285(c). Nor does it contain facts supporting the presumed allegation that the "person who supplies the goods or services" has refused to "divulge or disclose to the Commission [its] records of any expenditures made by the county candidate or committee for such goods or services" in violation of Sections 1290(b). Two unmarked pages, one listing the Ventura County Star zone and county rates, the other showing the dimensions of a quarter page ad, provide insufficient information to support a determination that probable cause exists.

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