

Via Facsimile and U.S. Mail

October 27, 2006

The Hon. William Peck
Chair, Ventura County Campaign Finance Ethics Commission
800 South Victoria Avenue, L#1940
Ventura, California 93009

Re: *Complaint No. 06-13*

Dear Judge Peck:

I have reviewed the above-referenced complaint for a determination of probable cause, and have made the following analysis and conclusions:

The complaint sets forth three alleged violations of Ventura County Campaign Finance Reform Ordinance 4322 based on the official Foy for Supervisor website, which promotes Mr. Foy's candidacy and seeks volunteers and campaign contributions.

The first allegation refers to violation of Section 1289 of the ordinance that provides as follows:

"Campaign Advertisements. 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 of the contents of the advertisement."

In approving Ordinance 4322, the Board of Supervisors did not include a candidate's official website in its reference to "broadcast and print advertisements." A review of Webster's Dictionary defines "broadcast" as "made public by means of radio or television," which clearly does not include an Internet website. Webster's defines "print" as: "Something impressed with a print or formed in a mold." "Print," then, also does not include an Internet website.

Accordingly, it is my opinion that there is no probable cause exists to warrant further investigation of the allegation that the Foy campaign has violated Section 1289 of the Ordinance.


With respect to allegation that there was a violation of Section 1267(a) – which limits campaign contributions for non-participating candidates to \$300 per person – there is no evidence provided by the complainant that such a violation occurred. Merely soliciting contributions on a website

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does not automatically mean that contributions thus received exceeded the \$300 maximum. Absent any evidence to the contrary, it is my opinion that no probable cause exists to warrant further investigation of the allegation that the Foy campaign has violated Section 1267(a) of the Ordinance.

A similar conclusion must be reached with respect to complainant's allegation that the Foy campaign violated any subsection of Section 1269 of the Ordinance. The official Complaint From from the Chief Deputy Clerk of the Board of Supervisors refers to Section 1269(d). The Complainant's handwriting is less clear, and I am unable to determine exactly which subsection of Section 1269 the complainant is alleging the Foy campaign has violated. However, for the above-stated reason that the complainant has provided no evidence of any part of Section 1269, it is my opinion that no probable cause exists to warrant further investigation of the allegation that the Foy campaign has violated Section 1269 of the Ordinance.

Very truly yours,



Cathy Elliott Jones
Ventura County Campaign Finance Ethics Commissioner
CEJ/m
cc: Roberta Rodriguez, Clerk of the Commission