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March 6, 2009

VIA FEDERAL EXPRESS

Frankie D. Hampton
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 6160 – State Park Peace Officers Association & Jim Pence

Dear Ms. Hampton:

This letter responds to correspondence dated January 27, 2009 sent to Mr. Jim Pence in his role as treasurer of the State Park Peace Officers Association of California ("SPPOAC") in the above-referenced Matter Under Review. This law firm represents Mr. Pence and SPPOAC in this matter.

As you know, an allegation has been filed with your office asserting that SPPOAC reimbursed a contribution made by Mr. Scott Pace on April 6, 2006 to the "Steve Filson for Congress" committee. In fact, as this correspondence shall demonstrate, Mr. Pace remains the true contributor to Steve Filson's campaign committee.

SPPOAC's mission is to maintain a leadership role in organizing, empowering and representing the interests of California's rank-and-file state park peace officers. SPPOAC's goals are to identify the needs of the law enforcement community and to provide programs to meet those needs; represent and protect the rights and benefits of state park peace officers; and to create an environment in which state park peace officers interact and work toward achieving common goals and objectives. SPPOAC works to conduct research, provide education and training, define and enhance standards for professionalism, and promote public awareness that encourages and maintains the image of a professional state park peace officer.

Mr. Pence himself is an active duty California state park peace officer. He has served as treasurer of SPPOAC since 2005. Mr. Pence has spent his career protecting California's state parks and beginning in 2005, has volunteered to assist the efforts of the State Park Peace Officer's Association of California to help other peace officers honorably serve the State of California.

The facts of this matter are now well known. On April 6, 2006 Mr. Scott Pace drafted a check in the amount of \$200 from his personal funds and sent the check to the "Steve Filson Campaign" (check number 5647). Steve Filson was an unsuccessful candidate for the United States House of Representatives in 2006. Thereafter, SPPOAC issued a check, prepared by Mr. Pence, to Mr. Pace on behalf of SPPOAC in the amount \$2,942.61 (check number 2346). The check was for the purpose of reimbursing Mr. Pace for a variety of items, including "portfolios," and "mugs." The reimbursement apparently was in response to information submitted by Mr. Pace identifying his recent expenditures, including meeting and travel expenditures on behalf of SPPOAC. The check apparently also served to reimburse Mr. Pace for the \$200 Steve Filson contribution.

As you know, after becoming aware of the alleged erroneous \$200 reimbursement, Mr. Pace immediately remitted \$200 to SPPOAC. A copy of Mr. Pace's remittal check is attached hereto as Exhibit A. This served to remove any doubt that Mr. Pace is and was the true contributor to Steve Filson's campaign. Moreover, because Mr. Pace's April 2006 contribution was in the amount of \$200, his contribution was never publicly disclosed by Steve Filson's campaign committee (Federal law requires contribution exceeding \$200 to be disclosed).¹ Steve Filson's campaign treasurer recorded Mr. Pace as the true contributor to the campaign committee, a recordation which remains true to this day, regardless of any purported reimbursement in the interim. As a result, no harm to the public has resulted because no public disclosure of the contribution was ever made.

In addition to the foregoing, there is no indication that Mr. Pence or any other representative(s) of SPPOAC sought to deceive the voters of California's 11th Congressional District, or that in fact any voters were *actually* deceived. Moreover, there is no indication that Mr. Pence or any other representative(s) of SPPOAC sought to reward Mr. Filson for any official action, or that there was any *quid pro quo* intent on the part of Mr. Pace, Mr. Pence, SPPOAC or Steve Filson. This firm's investigation and audit of the matter indicates that none of the individuals involved knew at the time of the alleged reimbursement that his or her actions might violate the Federal Election Campaign Act ("Act"). There clearly has been no knowing or willful violation of the Act.

¹ Under the Federal Election Campaign Act campaign committees are required to collect and keep records regarding contributions of more than \$200, including the amount of the contribution, date of receipt, the contributor's full name and address, and the contributor's occupation and employer. (11 CFR, § 102.8(a).) For contributions exceeding \$50 and up to \$200, the campaign committee must identify each contribution by amount, date of receipt, and the contributor's name and address. (11 CFR, § 102.9(a)(1).) Here, as the true contributor, Mr. Pace provided all the data required under Regulation 102.9 to the Steve Filson for Congress Campaign Committee.

Correspondence to Ms. Frankie D. Hampton
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Moreover, Mr. Pace, Mr. Pence, and SPPOAC have willingly taken steps to prevent any future violation of federal law. SPPOAC has retained the services of this firm to counsel their members regarding campaign finance rules (both state and federal). Finally, neither Mr. Pence nor SPPOAC have any prior history of violating any federal election campaign laws or regulations, nor does either of them intend to allow such violations to occur in the future.

Accordingly, in light of the fact that: (1) this matter involves a single contribution of \$200; (2) any violation in this matter was not knowing and willful; (3) The parties involved made prompt and voluntary efforts to rectify the purported violation; and (4) remedial and preventive efforts have been undertaken by the parties, Mr. Pence and SPPOAC respectfully request that the Commission take no action against him in this matter.

Thank you for your time and attention to this important matter. Please feel free to contact me should you have any questions or require additional information.

Respectfully submitted,



Brian T. Hildreth

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EXHIBIT A

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