

**MARK A. PRUNER**  
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July 17, 2008

**Via Federal Express**

**OFFICE OF THE GENERAL COUNSEL**  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**MUR # 6043**

**Re: Complaint Against Davis Democratic Club**

**Dear FEC:**

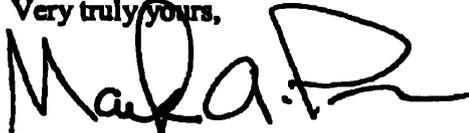
Enclosed with this letter please find one original and five copies of a Complaint against the Davis Democratic Club, located in Yolo County, California.

Please accept the original and three copies of this complaint.

Then, please endorse, or stamp, two other copies of the complaint and return them in the enclosed prepaid Federal Express envelope(s).

Thank you. Please contact me if you have any questions.

Very truly yours,

  
MARK A. PRUNER

MAP:m  
Enclosures

2008 JUL 18 P 12:46

FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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**BEFORE THE  
FEDERAL ELECTION COMMISSION**

2009 JUL 18 P 12:48

MARK PRUNER  
P. O. Box 3  
Clarksburg, CA 95612

Complainant,

MUR No. 6043

v.

DAVIS DEMOCRATIC CLUB  
c/o Elizabeth R. Weir  
887 Linden Lane  
Davis, CA 95616,

and

Elizabeth R. Weir  
887 Linden Lane  
Davis, CA 95616,

Respondents.

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**COMPLAINT**

Complainant makes and files this complaint against the Davis Democratic Club (the "DDC") and its treasurer since on or before July 29, 2000, Elizabeth R. Weir, for violations of the Federal Election Campaign Act and the Federal Election Commission regulations, as described below. The DDC is headquartered in the City of Davis, County of Yolo, State of California.

This complaint is similar to the complaint filed against the Yolo County Democratic Central Committee, MUR 6036.

I

**THE FACTS**

**Failure to File Statement of Organization.** According to the records of the Federal Election Commission, the DDC has never filed a statement of organization with the Federal Election Commission (the "FEC"). (See 2 U.S.C. sec. 433(a).)

**Failure to File Reports.** Additionally, according to the records of the FEC, the DDC has never filed any report of receipts and disbursements with the FEC. (See 2 U.S.C. sec. 434(a).)

**DDC is a Political Committee Required to File.** During or before the calendar year 2002, and as defined in 2 U.S.C section 431(4), the DDC operated as a "political committee". As shown in the Exhibits for the year 2002<sup>1</sup>, attached to this Complaint, the DDC in 2002 admits receiving contributions<sup>2</sup> totaling in excess of \$13,128, and making expenditures of \$17,011.36, much of which complainant believes occurred within 120 days of either the 2002 General Primary or the November 2002 General Election, thus requiring:

1. The DDC to file its statement of organization no later than sometime in 2002, and
2. The DDC to begin filing its reports of receipts and disbursements no later than January 2003.<sup>3</sup>

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<sup>1</sup> Complainant has opted not to complain for years prior to 2002, but has produced records prior to 2002 as background and in support for complainant's allegation that violations have been outstanding and continuing for years prior to 2002.

<sup>2</sup> Although "contribution" as defined by California Government Code section 82015 has a slightly different meaning than as set forth in 2 U.S.C. section 431(4), complainant is informed and believes that the closeness in time between the federal elections in 2002 and the contributions made, especially the \$1000 contribution from Mike Thompson, Congressman representing the First Congressional District in California, bring all or the great majority of the payments received by the DDC within the purview of the Federal Election statutes.

<sup>3</sup> Because of the incomplete nature of the records of the DDC, the complainant cannot conclusively allege specific required filing dates for the reports of receipts and disbursements since it is not clear whether or not the DDC engaged in "federal election activity." However, it appears unreasonable to believe that the DDC did not engage in "federal election activity" no later than the fall of 2002, given the thousands of dollars expended within 120 days of the November 2002 general election.

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Thereafter, by its own records, the DDC received further contributions totaling in excess of \$6910 and made expenditures in excess of \$5635 for each calendar year, all or much of which appears to have been received and/or expended in support of and for federal election activity.

**Contributions Summary.** Summarized below, and as set out in greater detail in the Exhibits to this complaint, are the total contributions received by the DDC on a yearly basis:

<u>Year</u>	<u>Total Contributions Received</u>
2002	\$ 13,128.00
2003	\$ 12,852.18
2004	\$ 15,424.22
2005	\$ 14,052.00
2006	\$ 14,289.76
2007	<u>\$ 12,618.44</u>
Total	\$ 82,364.60

**Expenditure Summary.** Summarized below, but with no detail other than totals from the Exhibits to this complaint, are the total expenditures made by the DDC on a yearly basis:

<u>Year</u>	<u>Total Contributions Received</u>
2002	\$ 17,011.36
2003	\$ 9,873.05
2004	\$ 22,687.02
2005	\$ 7,048.93
2006	\$ 23,329.50
2007	<u>\$ 5,548.47</u>
Total	\$ 85,498.33

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The only public filings made by the DDC which Complainant could locate fail to make any disclosure at all of the \$85,498.33 expended for the six years from 2002 through 2007.

**The *McConnell v. FEC* "Beanfeed" is Put on in Yolo County. *McConnell v. FEC*, 540 U.S. 93 (2003) presented the first major constitutional challenge to the 2002 Bipartisan Campaign Reform Act of 2002 ("BICRA"). Coming out of Yolo County, one of the several cases consolidated for purposes of the McConnell determination was *California Democratic Party and Yolo County Democratic Central Committee v. Federal Election Commission* (U.S. Supreme Court Case No. 02-1753). Complainant is informed and believes that the Yolo County Democratic Central Committee ("YCDCC") and the DDC coordinate their efforts within Yolo County.**

As a plaintiff, the YCDCC argued that its "bean feed", an annual event at which it raised money for a variety of federal election purposes, should not come under the scrutiny of the provisions of 2 U.S.C. section 431, *et seq.*

**DDC Cannot Claim a Good Faith Excuse.** Since the YCDCC, the lead Yolo County Democratic Party leadership organization, being represented in a sophisticated piece of litigation by capable legal counsel, it is reasonable to conclude that the DDC was fully informed, advised and aware of BICRA and the DDC's filing obligations with the FEC.

While McConnell cleared up various questions surrounding provisions concerning BICRA, it did not relieve DDC from its campaign finance public disclosure requirements. For over five years the DDC has been operating its finances out of the light public disclosure sheds on our political process.

## II

### LEGAL ARGUMENT

As a political committee defined in 2 U.S.C. section 431(4), the DDC is required to register as provided in 2 U.S.C. section 433, and to file the required reports as provided in 2 U.S.C. section 434. The DDC did neither.

Having failed to comply with the law requiring registration and filing disclosure reports, the DDC is subject to audit, subject to an order requiring that it comply with the registration and disclosure filing requirement, and subject to fines.

**III**

**REQUESTED ACTION**

As has been shown above, and the respondents having violated the Federal Election Campaign Act and the Federal Election Commission regulations, the undersigned requests that the respondents, and each of them, be ordered and required to submit to a full and complete audit of their records, be required to file accurate and complete campaign finance filings and statements for all relevant years and all relevant periods, and be fined the maximum amount permitted by law.

Dated: July 17, 2008.



MARK PRUNER  
P. O. Box 3  
Clarksburg, CA 95612  
Telephone: (916) 204-9097

[Jurat with Affiant Statement Attached]

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**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

*[Handwritten signature]*

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Sacramento

Subscribed and sworn to (or affirmed) before me on this

17<sup>th</sup> day of July, 2008, by

(1) Mark A. Pruner  
Name of Signer

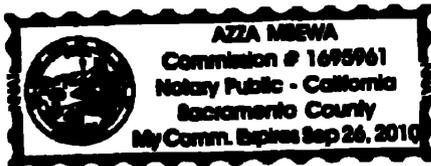
proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(and

(2) \_\_\_\_\_  
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature [Handwritten Signature]  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

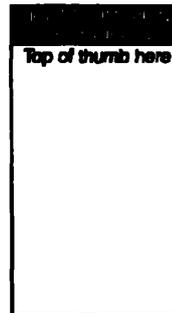
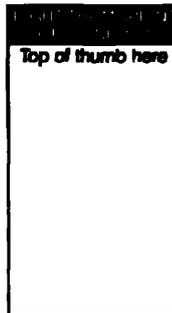
*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Further Description of Any Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_



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