



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

January 23, 2013

David Lee

REDACTED

Warning Letter Re: FPPC Case No. 12/777, David Lee

Dear Mr. Lee:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a sworn complaint alleging you may have violated the Act's requirement that public officials disclose all financial interests required to be disclosed on the Statement of Economic Interests, Form 700.

The FPPC has completed its investigation of the facts in this case and found that you violated the Act's requirements that all financial interests requiring disclosure be disclosed on a public official's Statement of Economic Interests, Form 700.

Specifically, the Act requires specified public officials of state and local government agencies to periodically file Statements of Economic Interests disclosing defined financial interests. Officials subject to this requirement fall into two categories: (1) officials holding, or running for election to, positions specified in Gov. Code § 87200, who are required to disclose the broadest range of financial interests (GC §§ 87200 - 87210); and (2) officials holding agency positions that involve participation in government decisions that have financial impacts. These latter positions are designated in the agency's conflict-of-interest code and disclosure requirements are assigned by the agency. (GC §§ 87300 - 87313.) The conflict of interest code you filed under as

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Commissioner on the San Francisco Recreation & Park Commission required you to disclose all sources of income.

Your actions violated the Act because you failed to disclose your income from Chinese American Voter Education Committee on multiple Statements of Economic Interests filed for your position on the San Francisco Recreation & Park Commission. (GC § 87300.) However, because you disclosed Chinese American Voter Education Committee as a source of income on the Candidate Statement of Economic Interests you filed when running for election to the Board of Supervisors in San Francisco and because, in May 2012, you had amended your previously filed Statements of Economic Interests filed for San Francisco Recreation & Park Commission,² we are closing your case with this warning letter. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

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cc: Aaron Peskin

² The Act states that "amending an incorrect or incomplete report or statement may be considered as evidence of good faith." (GC § 81004.5.)