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

February 8, 2011

Trevor J. Boomstra
Rubicon Systems America, Inc.
REDACTED

Warning Letter Re: FPPC No. 11/082, Rubicon Systems America, Inc.

Dear Mr. Boomstra:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is being sent as a result of an FPPC investigation against Rubicon Systems America, Inc. The FPPC initiated its investigation after receiving a referral from the California Secretary of State; the referral alleged that Rubicon Systems America, Inc. violated the Act's lobbying reporting provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Rubicon Systems America, Inc. violated the Act by failing to timely file one (1) required report.

Section 86115 of the Act provides that lobbyist employers must file periodic reports. Section 82039.5 of the Act defines a lobbyist employer as an entity that either "[e]mploys one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action" or "[c]ontracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action." Section 86117(a) provides that these reports "shall be filed during the month following each calendar quarter." The above-mentioned reports are filed by submitting a completed Form 635 to the California Secretary of State.

Rubicon Systems America, Inc. failed to timely file a Form 635 for the period covering July 1, 2010 through September 30, 2010.

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[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 18109 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.

We are closing our investigation with this warning letter due to several mitigating factors. First, your organization has not previously violated the Act. Also, your organization is an inexperienced filer. That is, its earliest Form 635 was filed during the fourth quarter of the 2009/2010 legislative session and your organization has filed a total of three (3) Form 635s with the California Secretary of State. Additionally, your organization's reportable activity levels are low. Each of the three (3) filed Form 635s report $0 in activity.

This letter serves as a written warning. 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.

If you have further questions regarding this matter, please contact Jennifer Reimer at (916) 322-8222.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Gloria Gilmore
Political Reform Division
California Secretary of State

GSW/jr