



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

March 2, 2010

✓ The Honorable Kevin Culhane
Mr. Brian Hildreth
Bell, McAndrews and Hiltachk

REDACTED

Re: FPPC No. 09/224, Kevin Culhane, Judy Hersher.

Dear Judge Culhane and Mr. Hildreth:

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 in response to an investigation begun against you by the FPPC in response to a voluminous complaint that alleged you violated the Act by failing to report an "interest in a payment" on your statement of economic interests; accepting a gift in excess of the \$390 gift limit in 2008; failing to report the true source of a campaign contribution; failing to report donor information on your campaign statements; failure to report a contribution through an intermediary; failure to report a contribution received by an agent; and commingling of funds.

The FPPC has completed its investigation of the facts in this case. **Specifically, the FPPC found no violation of the Act.** All these allegations stem from complainants contention that the award of attorney's fees in a civil matter should be characterized as either a reportable gift or a campaign contribution. However, the awarding of attorneys fees in a civil case in no way constitutes a gift or campaign contribution. We are therefore closing the case with no further action.

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.

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The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding filing obligations over the telephone and through written advice. Please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

 GARY S. WINUK
Chief, Enforcement Division