



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
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April 3, 2014

Marc Garcia
Merced County Superior Court Judge
c/o Robbie & Matthai

REDACTED ---

Warning Letter Re: FPPC No. 14/252; Marc Garcia

Dear Judge Garcia:

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 result of a pro-active investigation begun against you by the FPPC that alleged your failure to disclose income on your Statement of Economic Interests ("SEI"). We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to disclose the income you received from your divestment in Merced Defense Associates on your SEI. You had an ownership investment in Merced Defense Associates (MDA). Before taking the bench as a superior court judge, you divested your interest in MDA and in 2008 entered into an agreement in which you were to receive the sum of \$4,516 monthly until the sum of \$250,000 was paid.

The Act requires every public official specified in Section 87200 to disclose income of \$500 or more from a single source in a calendar year on their SEI. Your position as a superior court judge is listed in Section 87200. Section 87207 of the Act requires the disclosure the name and address of each source of income aggregating \$500 or more on your SEI.

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.

Your actions violated the Act because you failed to disclose the income you received from the sale of your interest in MDA on your SEI since 2008. However, since you amended your SEIs to reflect this income immediately after contact from the Enforcement Division, and you do not have an enforcement history, we are closing this matter with a warning.

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.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/tr

cc: Commission on Judicial Performance