



## FAIR POLITICAL PRACTICES COMMISSION

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

June 21, 2012

Mr. Johnnie Carter Jr.  
Smart Plate, Inc.

# REDACTED

Re: **Warning Letter Re: FPPC No. 11/660; Smart Plate, Inc.**

Dear Mr. Carter:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a non-filer referral from the Secretary of State that alleged that Smart Plate, Inc. violated the Act's disclosure provisions regarding filing its required quarterly Lobbyist Employer Reports.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Smart Plate, Inc. violated the Act's disclosure provisions when, as a lobbyist employer, it failed to properly file quarterly a Report of Lobbyist Employer/Report of Lobbyist Coalition (Form 635) disclosing all lobbying activity for the period of October 1, 2010 through December 31, 2010 period by the January 31, 2011 deadline.

Section 86116 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 expenses, 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."

Smart Plate, Inc.'s actions violated the Act because it failed to properly file its Lobbyist Employer Report electronically or via paper format in a timely manner. However, since Smart Plate, Inc. has filed all of its subsequent Lobbyist Employer Reports with the Secretary of State in a timely manner, and no significant lobbyist activity has occurred on its behalf for the past five quarterly periods, we are closing our file on this matter with this warning letter.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 92014. 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.

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.

Although the Enforcement Division is not seeking a penalty in the current matter, Smart Plate, Inc. is still required to immediately file any and all outstanding statements with the Secretary of State and will be responsible for any late filing fees assessed by the Secretary of State's Office. (Gov. Code § 91013.)

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (866) 275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Please feel free to contact Kyle Levy at (916) 322-8222 with any questions you may have regarding this letter.

Sincerely,

**REDACTED** 

 Gary S. Winuk  
Chief, Enforcement Division

cc: Secretary of State