



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

June 20, 2012

Mr. Seamus Fitzpatrick, Partner
Capvest Partners, LLP

REDACTED

Warning Letter Re: FPPC No. 11-767; Capvest Partners, LLP

Dear Mr. Fitzpatrick:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),¹ found in California Government Code Section 81000, et seq. This letter is in response to a non-filer referral from the California Secretary of State that alleged Capvest Partners, LLP 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 Capvest Partners, LLP violated the Act’s disclosure provisions when, as a lobbyist employer, it failed to properly file quarterly Reports of Lobbyist Employer/Reports of Lobbyist Coalition (Form 635) disclosing all lobbying activity for the periods of January 1, 2011 through March 31, 2011, April 1, 2011 through June 30, 2011, and July 1, 2011 through September 30, 2011.

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 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.”

Capvest Partners, LLP’s actions violated the Act because it failed to properly file its Lobbyist Employer Reports electronically or via paper format in a timely manner. However,

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.

there are several mitigating factors. Capvest Partners, LLP does not have a significant history of violating the Act. The outstanding Lobbyist Employer Reports were all filed by Capvest Partners, LLP as of May 30, 2012 and reflect no activity for any of the periods in question. The lobbyist firm employed by Capvest Partners, LLP, MVision Private Equity Advisers USA LLC, filed to delete Capvest Partners, LLP's status as its employer as of May 18, 2012. In light of all of these factors, 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.

Although the Enforcement Division is not seeking a penalty in the current matter, Capvest Partners, LLP is still required to immediately file any additional outstanding statements and will be responsible for any late filing fees assessed by the appropriate filing officer. (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.

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