



FAIR POLITICAL PRACTICES COMMISSION

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

June 20, 2012

Mr. Landy Pheloung
DWS Investments Distributors, Inc.

REDACTED

Warning Letter Re: FPPC No. 12-0169; Landy Pheloung

Dear Mr. Pheloung:

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 non-filer referral from the California Secretary of State that alleged you violated the Act’s disclosure provisions regarding filing your quarterly Lobbyist Reports.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act’s disclosure provisions when, as a lobbyist for DWS Investments Distributors, Inc., you failed to properly file your 2011 Second Quarter, Third Quarter, and Fourth Quarter Lobbyist Reports, and your 2012 First Quarter Lobbyist Report.

Section 86113 of the Act provides that lobbyists must file periodic reports. Section 82039 of the Act defines a lobbyist as “any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elected state official, agency official, or legislative official for the purpose of influencing legislative or administrative action. Section 84605 of the Act requires lobbyists obliged to file periodic reports to file online or electronically in addition to paper statements.

Your actions violated the Act because you failed to properly file your Lobbying Reports electronically or via paper format in a timely manner. Your employer, however, did file a 606 Notice of Termination Form electronically but not via paper format. Both formats are required for registration documents. Since you do not have a significant history of violating the Act, and a 606 Form was filed, 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.

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.

Although the Enforcement Division is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements and will be responsible for any late filing fees assessed by your 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 Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

REDACTED


Gary S. Winuk
Chief, Enforcement Division

cc: Chris Reynolds
Political Reform Division
Secretary of State