



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 2, 2012

Mr. Marc Levine

**REDACTED**

**Warning Letter Re: FPPC No. 12/375, Respondent**

Dear Mr. Levine:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged you failed to report sources of income on your candidate's Statement of Economic Interests ("SEI").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report your spouse's source of income on both your city council SEI and on your candidate's SEI.

The Act requires that, amongst other things, public officials and candidates must disclose the name and address of each source of income, located in or doing business within the official's jurisdiction, aggregating \$500 or more in value. This includes reporting any community property interest in the income of a spouse. (Gov. Code §§ 82030/87207.)

Your actions violated the Act because you failed to report your spouse's income from a private school on both your city council SEI, as well as on your assembly candidate's SEI.

In response to our letter to you concerning the matter, you responded that since your wife's school leased space from a public school district with its own jurisdiction, you were misinformed that this income would not be reportable on your city council SEI and when you filed your candidate's SEI, you inadvertently repeated the error. The complainant also alleged that you publicly disclosed working as an advisor and consultant to a technology-related business. In response to that allegation, you indicated that you have yet to receive reportable income from that source, but that it may be reportable on future SEI's.

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<sup>1</sup> 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.

Based on this explanation, and the fact that this information is readily available on public websites, and since you amended both your city council and your candidate's SEIs to reflect these amendments, we are closing our file on this matter.

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 me with any questions you may have regarding this letter.

Sincerely,

**REDACTED**

Gary S. Winuk, Chief  
Enforcement Division

GSW/jt

cc: Mr. Jonathan Frieman