



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 11, 2012

Robert Livengood
Citizens for Livengood for Assembly 2010

REDACTED

Warning Letter Re: FPPC No. 10/838, Robert Livengood and Citizens for Livengood for Assembly 2010

Dear Mr. Livengood:

The Fair Political Practices Commission ("Commission") 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 sworn complaint filed against you that alleged you violated the campaign contribution limit provisions of the Act.

The Commission has completed its investigation of the facts in this case, and has found that Citizens for Livengood for Assembly 2010 and you, the controlling candidate and treasurer of the committee, violated Section 85301 on October 12, 2009, when the you accepted a \$3,000 contribution from Amex Home Loans, Inc., to Citizens for Livengood for Assembly 2010, in addition to the \$2,500 contribution you accepted on June 30, 2009, from Avex Funding Corporation to Citizens for Livengood for Assembly 2010. The Commission has decided to close this case with this warning letter because you ended your campaign for Assembly before the primary election on June 8, 2010, you cooperated with the Commission's investigation of this matter, and you do not have a history of violating the contribution limit provisions of the Act.

Under the Act, no candidate for Assembly may accept contributions totaling more than \$3,900 per election period from a single person. (Section 85301, subd. (a), Regulation 18545, subd. (a)(1).) The Act requires that contributions of an entity whose contributions are directed and controlled by an individual be aggregated with contributions made by that individual or any other entity whose contributions are directed and controlled by the same individual. (Section 85311, subd. (b).) The Act defines "entity" as any person, other than an individual, and a "person" as any individual, proprietorship, firm, partnership, joint venture, syndicate, business

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.

trust, company, corporation, limited liability company, association, committee, or other organization or group of persons acting in concert.

Citizens for Livengood for Assembly 2010 and you violated the contribution limit provisions of the Act by accepting contributions totaling \$5,500 from Badru Valani. Because Mr. Valani directed and controlled contributions from Amex Home Loans, Inc., and Avex Funding Corporation at the time those two entities made contributions to Citizens for Livengood for Assembly 2010, you were required to aggregate all contributions to Citizens for Livengood for Assembly 2010 from the two entities and Mr. Valani.

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 a Commission 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 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 Commission 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 Commission's website ten (10) days from the date of this letter.

Please feel free to me at 916.322.5660 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Milad Dalju
Commission Counsel
Enforcement Division