



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 27, 2012

Luke A. Powell  
Elan Alternative Group, LLC

**REDACTED**

**Warning Letter Re: FPPC No. 12/273 Elan Alternative Group, LLC**

Dear Mr. Powell,

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 referral from the Secretary of State which alleged that you failed to file a Report of Lobbying Firm as required by the Act.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a Report of Lobbying Firm for the following periods:

-July 1, 2011 through September 30, 2011

Section 86114 of the Act provides that a lobbying firm must file periodic reports. Section 82038.5 of the Act defines a lobbying firm as any business entity which receives any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person when: (1) any partner, owner, or employee of that business entity is a lobbyist or when a substantial or (2) a regular portion of the of the activities for which the business entity receives compensation is for

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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.

the purpose of influencing legislative or administrative action. A lobbying firm is required to file these reports even if no activity took place during the applicable reporting period.

Your actions violated the Act because you failed to file a Report of Lobbying Firm for the period noted above. However, since you have no prior violations of the Act and because you do not have a significant filing history with the Secretary of State, 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, you are still responsible for filing your missing reports with the Secretary of State.

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.

If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Toll-Free Advice Line at (866) 275-3772 or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Please feel free to contact me at (916) 322-8029 with any questions you may have regarding this letter.

Sincerely,

**REDACTED**



Gary S. Winuk, Chief  
Enforcement Division

GSW:cd