



FAIR POLITICAL PRACTICES COMMISSION

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

July 24, 2013

Mr. Michael Brogran, Director of Finance/Legal
✓Analytic Investors

REDACTED

Warning Letter Re: FPPC No. 13/0504; Mark Osterkamp

Dear Mr. Brogran:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "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's Office (SOS) which alleged Analytic Investors violated the Act's lobbying reporting provisions.

The FPPC has completed its investigation of the facts in this case and found that Analytic Investors failed to timely file a Report of Lobbyist Employer (Form 635) that included Mark Osterkamp's Lobbyist Report (Form 615) through SOS for the following quarters:

- July 1 – September 30, 2011 (due October 31, 2011)
- January 1 – March 31, 2012 (due April 30, 2012)
- April 1 – June 30, 2012 (due July 31, 2012)

Additionally, the FPPC found that Analytic Investors failed to timely file a Report of Lobbyist Employer (Form 635) and never included Mark Osterkamp's Lobbyist Report (Form 615) for the following quarters:

- July 1 – September 30, 2012 (due October 31, 2012)
- October 1 – December 31, 2012 (due January 31, 2013)

Sections 86115 and 86116 of the Act provide that lobbyist employers, as defined by Section 82039.5 and Regulation 18239.5, must file periodic reports disclosing their lobbying activity. This requirement is satisfied by submitting a completed Form 635 to SOS during the month following each calendar quarter. (§§ 86117, 86118). A completed form includes a separate Form 615 for each lobbyist employee attached to the Form 635.

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.

Your actions violated the Act because you failed to file the aforementioned report(s) by the specified deadlines. However, since you do not have a history of violating the Act, the reports were eventually filed, and because the amount of unreported lobbying activity was relatively minimal, 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.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need any of these publications, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (866) 275-3772 or visit our website at www.fppc.ca.gov.

If you have further questions regarding this matter, please contact Tracey Frazier at (916) 327-2019.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Gloria Gilmore
California Secretary of State
Political Reform Division

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