



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

August 23, 2012

Mr. Michael R. O. Martinez  
Manatt, Phelps & Phillips, LLP

**REDACTED**

RE: Closure Letter  
FPPC No. 12/088, Michael R. O. Martinez

Dear Mr. Martinez:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. As you may be aware, the Commission received the results of a Franchise Tax Board audit of your firm's activities for the 2009 and 2010 calendar years. Specifically, the audit examined a contribution reported by the John A. Perez for Assembly 2010 Committee on the Secretary of State's website database, and sought to determine whether or not this was a political contribution to a candidate controlled committee. The Commission has decided to close this case without further action.

Under Section 85702 of the Act, a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer. At the time of the payment, your firm was registered to lobby the state legislature and you were subject to this prohibition.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC did not find evidence that you intended the payment as a political contribution. You provided the \$500 to the Gay and Lesbian Leadership Fund and Victory Institute ("Institute"). The Institute, in turn, provided money to the Perez campaign; disclosing itself as an intermediary and you as the donor. This was one of 14 contributions to the Perez campaign made during this time for which the Institute listed itself as an intermediary. The Perez campaign researched its records and concluded that it never received a \$500 contribution from you and reports that the filing was a mistake made as a result of an error in reporting by the Institute to the Perez campaign. The campaign filed a Form 460, on January 31, 2011, prior to the audit, reflecting that you were not a source of contribution funds.

Even though we are closing our file on this matter, please be advised of your reporting obligations under the Act. The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

**REDACTED**

Zachary W. Norton  
Commission Counsel  
Enforcement Division