



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

September 28, 2009

Mr. David Kim
Los Angeles Recycling Center

REDACTED

Warning Letter Re: FPPC No. 090316, David Kim, Respondent

Dear Mr. Kim:

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 complaint filed against you by the County of Los Angeles Board of Supervisors that alleged you failed to file your 2007 annual statement of economic interests with the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force ("Task Force") which was due on April 1, 2008.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you have not filed any statements of economic interests since your appointment to the Task Force in 1993. There also appear to be no meeting minutes for the Task Force that record your presence in attendance as a Task Force member.

The Act provides that your failure to file the required statements is prohibited. (Gov. Code §§ 87300, 87302.) Specifically, the Act provides that if you attended any meeting and participated in any Task Force decisions, you were required to file an assuming office statement and a leaving office statement. If, however, you were appointed to the Task Force, but never participated in any decision as a Task Force member, you were required to file a written statement with the County of Los Angeles declaring under penalty of perjury that during the period between appointment and resignation you did not make, participate in making, or use the

¹The 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 18109 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.

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position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. (Regulation § 18730 (b) (5.5).)

Your actions violated the Act because you were required to either file an assuming office statement and a leaving office statement within 12 months of your initial appointment to the Task Force, or file the written statement described above with the County of Los Angeles.

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.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

↳ Gary S. Winuk
Chief, Enforcement Division

GSW:AK:fp