



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

October 9, 2013

Mr. Richard Allorto, CFO
MOF II Management LLC

REDACTED

Warning Letter Re: FPPC No. 13/0824, MOF II Management LLC

Dear Mr. Allorto:

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 which alleged MOF II Management LLC violated the Act’s lobbying reporting provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that MOF II Management LLC failed to timely file a Form 635 for the following quarter:

– October 1, 2012 through December 31, 2012 (Due January 31, 2013)

Section 86115 of the Act provides that lobbyist employers must file periodic reports. Section 82039.5 of the Act defines a lobbyist employer as an entity that either “[e]mploys one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action” or “[c]ontracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action.” Section 86117(a) provides that these reports “shall be filed during the month following each calendar quarter.” The above-mentioned reports are filed by submitting a completed Form 635 to the California Secretary of State.

Your actions violated the Act because you failed to file the aforementioned report by the specified deadlines. However, since you do not have a history of violating the Act, you filed the outstanding Form 635 prior to any contact from the FPPC on August 15, 2013, and the California Secretary of State has listed your status as “Inactive” for 2013, we are closing your case with this warning letter. The information in this matter will be retained and may be considered should an

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.

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: Chris Reynolds
California Secretary of State
Political Reform Division

GSW/tf/k1