



FAIR POLITICAL PRACTICES COMMISSION

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October 31, 2013

Phil Vizcarra
Alcantar & Kahl, LLP (1322434)

REDACTED

Warning Letter Re: FPPC Case No. 131127; Alcantar & Kahl, LLP

Dear Mr. Vizcarra:

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 an audit report referred to us by the Franchise Tax Board. The audit covered the period January 1, 2011 through December 31, 2012. A copy of the audit report is enclosed for your information.

The audit found that for the payments examined, payments received were understated by \$107,115. Of this amount, \$95,380 was an understatement of reported payments received from Clean Energy. Section 86114 of the Act states in part, a lobbying firm shall file periodic reports containing the name of each person who contracted with the lobbying firm for lobbying services, a description of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

Payments received from Clean Energy of \$111,849 were reported on the lobbying firm reports. All of the payments received were from energy related businesses and the understated payments represent only approximately 3 percent of the payments received. The firm does not have a history of violations of the Act. Therefore, we have decided to close this case with a warning letter.

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

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.

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 FPPC. 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.

Please feel free to contact Program Specialist Robert Perna with any questions you may have regarding this letter.

Sincerely,


REDACTED
Gary S. Winuk
Chief, Enforcement Division

Enclosure