



Fair Political Practices Commission
EXCELLENCE • INTEGRITY • SERVICE • ACCOUNTABILITY
1000 Capitol Mall, Sacramento, CA 95833

November 9, 2012

Mr. Robert John Formisano

REDACTED

Warning Letter Re: FPPC No. 12-611, Robert John Formisano

Dear Mr. Formisano:

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 referral from the Secretary of State that alleged that you failed to your lobbyist report for the period from October 1, 2011 through December 31, 2011.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that, with respect to the lobbyist quarterly reports (Form 615), you failed to file a quarterly report for the period from October 1, 2011 through December 31, 2011.

The Act requires lobbyists to file quarterly statements during the month following each calendar quarter. (Section 86117.) Additionally, those quarterly reports are filed with the Office of the Secretary of State in both electronic and paper format. (Sections 84605(a)(4) and 86118.)

Your actions violated the Act because you failed to file your quarterly statement for the period from October 1, 2011 through December 31, 2011. However, since you have no history of prior violations and are not currently active as a lobbyist, we are closing this matter.

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.

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.

Although the Enforcement Division is not seeking a penalty in the current matter, you are still required to immediately file all outstanding statements and will be responsible for any late filing fees assessed by your filing officer. (Gov. Code § 91013.)

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.

Please feel free to contact Catherine Bonanno at (916)322-7050 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

cc: Secretary of State