FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

December 22, 2010

✓ Matthew R. Simmons
Consultants Collaborative
Redacted

**Warning Letter Re: FPPC No. 10/738, Matthew R. Simmons**

Dear Mr. Simmons:

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 being sent as a result of an FPPC investigation against you. The FPPC initiated its investigation after receiving a referral from the California Secretary of the State. The referral alleged that you violated the Act's lobbying reporting provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act by failing to timely file two required reports.

Section 86113 of the Act provides that lobbyists must file periodic reports. Section 82039 of the Act defines a lobbyist as an individual "who receives two thousand dollars or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative actions." 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 615 to the California Secretary of State. You failed to timely file a Form 615 for the January 1, 2010, through March 31, 2010, and the April 1, 2010, through June 30, 2010, periods.

We are closing this matter with a warning letter because you do not have a history of violating the Act. Also, it appears from your previous filings that you did not engage in a large amount of lobbying during the time period in question.

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

[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 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.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

Redacted

Gary S. Winuk
Chief, Enforcement Division

GSW/md