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

January 18, 2011

Mr. Russell Lowery
REDACTED

Warning Letter Re: FPPC No. 11/0042; Russell Lowery

Dear Mr. Lowery:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code Section 81000, et seq. This letter is in response to a non-filer referral from FPPC's Technical Assistance Division that alleged you violated the Act's disclosure provisions regarding filing the Statement of Economic Interest (SEI).

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act's disclosure provisions when, as the Executive Staff Director for the Senate Staff, you failed to properly file your 2009 Annual and Leaving Office Statements.

Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest Code. This code must require persons involved in the making, or participating in the making, of decisions which may foreseeably have a material financial effect on any financial interest belonging to that person to disclose reportable interests. Each newly designated employee shall file a statement within 30 days after assuming office. Throughout the duration of holding that office, each designated employee shall file an annual statement at the time specified in the Conflict of Interest Code. Lastly, every designated employee who leaves office shall file within 30 days of leaving office.

Your actions violated the Act because you failed to file your Annual SEI for 2009 or your Leaving Office SEI in a timely manner. However, since you do not have a significant history of violating the act, and you are no longer in office, we are closing your case with this warning letter. 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.

[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.

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.

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 Teri Rindahl at (916) 327-2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Technical Assistance Division

GSW:TR:tf