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

February 16, 2010

Mr. Kokavulu Lumukanda

REDACTED

Warning Letter Re: FPPC No. 090800, Kokavulu Lumukanda

Dear Mr. Lumukanda:

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 referral from your filing officer that alleged you failed to file your Leaving Office Statement of Economic Interests. The Act requires that employees designated in their employer's conflict of interest code file Statements of Economic Interests (Form 700) when they assume office, annually thereafter, and within 30 days of leaving their position.

We have determined that you failed to file a Leaving Office Statement of Economic Interests by the July 29, 2009, deadline regarding your position as a former Commissioner with the City of Berkeley Homeless Commission.

Your failure to file the required statement is a violation of the Act. (Section 87300.) 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.

You must immediately file this statement with the City of Berkeley.

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[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 responsible for any late filing fees assessed by your filing officer. (Section 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.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

Gary S. Winuk
Chief, Enforcement Division

GSW:JT:fp
cc: Ms. Deanna Despain, City Clerk, City of Berkeley Clerk Department