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

May 10, 2011

Kimberly Ivery
REDACTED

Warning Letter Re: FPPC Case No. 11/202, Kimberly Ivery

Dear Ms. Ivery:

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 the Franchise Tax Board 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 a PRIN Compliance REP with the Franchise Tax Board, you failed to file your Leaving Office SEI.

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 Leaving Office SEI in a timely manner. This letter serves as a 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. 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.

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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.

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.

If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW:AK:mm

cc: Ann Kurtz, Franchise Tax Board