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

August 5, 2010

Mr. Barry Hibbard
REDACTED

Warning Letter Re: FPPC No. 10/648, Barry Hibbard, Respondent

Dear Mr. Hibbard:

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 your filing officer that alleged you failed to file three Annual 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.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file an Annual Statement of Economic Interests for calendar years 2007, 2008 and 2009 with the FPPC's Technical Assistance Division with regard to your position on the California Partnership for the San Joaquin Valley (the "Partnership").

However, it appears that during the time that the annual statements were due, there was confusion concerning the status of non-public members in the Partnership and that issue may have just been resolved this year. During the time the annual statements were due, there is no evidence that you received notification from either the Partnership, or from your filing officer. For that reason, we are closing this matter with 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.

[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.

You must immediately file your delinquent annual statements with the FPPC's Technical Assistance Division. 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. (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 Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt
cc. Technical Assistance Division