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

August 12, 2011

Mr. Kurt Silberstein
REDACTED

Warning Letter Re: FPPC No. 11/416; Kurt Silberstein, Respondent

Dear Mr. Silberstein:

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 pro-active investigation begun against you by the FPPC that alleged that as a Portfolio Manager for the California Public Employees Retirement System, you failed to report the receipt of certain gifts on your 2006 and 2008 Annual Statements of Economic Interests ("SEIs").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report a $49.95 parade viewing from Western Assets[2] and a $79.27 dinner from Goldman Sachs in a timely manner.

The Act provides that for gifts that aggregate fifty dollars ($50) or more in value from a single source, a public official must disclose the name and address of each source of the gift; the amount of the gift and the date on which the gift(s) was received. (Section 87207.)

Your actions violated the Act because you failed to timely report the gifts noted above on your 2006 and 2008 Annual SEIs. However, since you reported other gifts from these donors in a timely manner, and the gifts received was just over the $50 reporting threshold, we are closing our file on this matter.

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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 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.

[2] Other gifts from this donor were received that placed cumulative gifts over the $50 threshold.

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.

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/jt