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

September 16, 2011

Marina Delgado
Alliance for Californians for Community Empowerment

REDACTED

Warning Letter Re: FPPC No. 11/672, Alliance for Californians for Community Empowerment

Dear Ms. Delgado:

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 being sent as a result of an FPPC investigation of the Alliance for Californians for Community Empowerment. The FPPC initiated its investigation after receiving a referral from the California Secretary of State. The referral alleged that Alliance for Californians for Community Empowerment violated the Act's lobbying reporting provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Alliance for Californians for Community Empowerment violated the Act by failing to file its reports in a timely manner.

Section 86116 of the Act provides that lobbyist employers must file periodic reports. Section 82039.5 of the Act defines a lobbyist employer as an entity that either "[e]mploys one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action" or "[c]ontracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action." Section 86117(a) provides that these reports "shall be filed during the month following each calendar quarter."

[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.

The above-mentioned reports are filed by submitting a completed Form 635 to the California Secretary of State. Although the required reports have since been filed, the Alliance for Californians for Community Empowerment failed to timely file a Form 635 for the period covering October 1, 2010 through December 31, 2010.

However, your organization complied with its filing requirements soon after being contacted by the Enforcement Division of the FPPC. Specifically, the FPPC contacted the Orange County Department of Education in a letter dated August 24, 2011 and the Orange County Department of Education filed its missing documents on or around August 31, 2011. Additionally, the Alliance for Californians for Community Empowerment's lobbying activity was low during the time period in question. According to the filings the Alliance for Californians for Community Empowerment submitted on August 31, 2011, the organization did not lobby for or against any legislation during the time period covered by the late-filed report, nor did the Alliance for Californians for Community Empowerment make any lobbying payments during this period. For these reasons, we are resolving this case with a warning letter.

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 Tracey Frazier at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: California Secretary of State

GSW:tf:kl