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

September 30, 2011

Marcie Ellen Berman
Marcie Berman of Counsel
REDACTED

Warning Letter Re: FPPC No. 11/770, Marcie Berman of Counsel, Respondent

Dear Ms. Berman:

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 the Secretary of State that alleged you failed to file you're quarterly report and lobbyist report. The Act requires that lobbyists and lobbying firms file campaign disclosure statements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file Form 615 and Form 625 by the May 2, 2011 deadline. The timing of the Act's filing obligations for lobbyists and lobbying firms is based on California's biennial legislative cycle. See section 86106. Lobbyists and lobbying firms are obligated to fulfill their quarterly reporting requirements until 1) the end of the legislative session in which the lobbyist or lobbying firm is active or 2) the lobbyist or lobbying firm files the appropriate termination paperwork. See section 86107.

Your action violated the Act because you failed to file your quarterly report and lobbyist report in a timely manner. However, since you have filed the forms and the amount of paid lobbying activity was low, we are closing your case with this warning letter. The Stipulation, Decision, and Order sent to you on August 8, 2011 was sent in error. Please disregard it. 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

[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.

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 Alisha Heilman at (916) 322-7486 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/ah