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

October 20, 2011

Mr. James Durst
REDACTED

Re: Warning Letter
FPPC No. 11/166; James Durst

Dear Mr. Durst:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act") found in Government Code Section 81000, and following. This letter is in response to a referral that alleged you failed to file your 2008 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. We are closing this case with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a 2008 Annual Statement of Economic Interests by the April 1, 2009 deadline.

Your actions violated the Act because you failed to file the required statement in a timely manner. (Gov. Code § 87300.) However, because you filed your 2008 annual statement, you were not properly notified, and you do not have a history of violating the Act, we are closing this matter 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 future conduct or newly discovered information. 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.

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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Terri Rindahl at (916) 327-2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr