



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 1, 2023

David Clements
3090 Marysville Blvd.
Sacramento, CA 95815

331 J. Street, Ste. 200
Sacramento, CA 95814

Advisory Letter: FPPC Case No. 2019-01238; David L. Clements (Lobbying Firm) and David L. Clements (Lobbyist)

Dear Mr. Clements,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter arises from a referral from the Secretary of State asserting that you (David L. Clements) and your lobbying firm (David L. Clements) failed to file regular lobbying and lobbying firm reports.

The Act requires qualifying lobbyists to file a certification with the Secretary of State.² “Lobbyist” is defined by the Act to mean individuals who receive \$2,000 or more in a calendar month or an individual whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action.³ Lobbying firms, including business entities that receipt any compensation to communication directly with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action on behalf of any other person,⁴ must file a registration with the Secretary of State. Upon any change in the information in a registration or certification, an amendment must be filed within 20 days of the change.⁵ This includes if the lobbyist of lobbying firm seeks to terminate all activity

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 86103

³ Section 82039

⁴ Section 82038.5

⁵ Section 86107

that required the entity to certify or register.⁶ A lobbyist may withdraw their certification or registration if they attest that the entity never actually met the statutory definition of a lobbyist or never met the requirements to register as a lobbying firm.⁷ Both lobbyists and lobbying firms must file periodic reports to disclose information such as all activity expenses incurred by the lobbyist during the reporting period and any expenses incurred by the lobbying firm.⁸

You filed a Form 604, Lobbyist Certification Statement, on or around January 18, 2017. In addition, you file a Form 601 Lobbying Firm Registration, on the same date for your business, David L. Clements. You indicated the following as clients: California State Command National Association of Black Veterans and Minority Veterans CA Coalition. However neither of these entities registered with the Secretary of State as Lobbyist Employers, and there is insufficient evidence to show that you actually met the statutory definition of a Lobbyist, or that the firm, David L. Clements, was required to register as a Lobbying Firm. Based on this, and because your certification and registration terminated by law at the end of the 2017-2018 legislative session, and you did not register for any subsequent legislative sessions, the Enforcement Division is declining to pursue this matter further.

Even though we are closing out file in this matter, please be advised of the rules and regulations regarding lobbyists. If you need guidance regarding the Act's lobbyist reporting provisions, please contact the Commission's Advise team by calling 1-866-275-3772 or sending an e-mail to advice@fppc.ca.gov. There is also information pertaining to lobbying reporting provisions on our website at www.fppc.ca.gov.

Please feel free to contact Ginny Brown at (916) 322-8064 or gbrown@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

AJB/gab

cc: Secretary of State's Office

⁶ Section 86107(b)

⁷ Regulation 18601

⁸ Section 86114