

**FAIR POLITICAL PRACTICES COMMISSION
STIPULATION, DECISION AND ORDER**

Complainant, Executive Director of the Fair Political Practices Commission, Roman G. Porter, and Respondent(s) hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the reporting violation(s) described herein.

FPPC NO. 11/405

**RESPONDENT: DAVID MERWIN, INVESTMENT OFFICER
CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

GOVERNMENT CODE SECTION VIOLATED: 87207 and 89503

**DESCRIPTION OF VIOLATION: FAILURE TO DISCLOSE REPORTABLE GIFTS ON
STATEMENTS OF ECONOMIC INTERESTS (FORM 700)
and RECEIPT OF GIFTS OVER THE APPLICABLE GIFT
LIMIT**

MONETARY PENALTY: \$2,400 NUMBER OF COUNTS: 12

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above and on Exhibit 1 attached have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the reverse side of this form and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. I have attached a check or money order made payable to the General Fund of the State of California in the amount of the penalty described above.

Dated: _____
DAVE MERWIN

STATEMENT BY EXECUTIVE DIRECTOR:

I have reviewed the above stipulation and recommend its approval.

Dated: _____
ROMAN G. PORTER, EXECUTIVE DIRECTOR

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____
ANN RAVEL, CHAIR

FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF RESPONDENT'S RIGHTS

The complainant, Executive Director of the Fair Political Practices Commission, and respondent(s), both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of each Respondent named herein.

Each Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under Cal. Gov. Code Sections 83115.5, 11500, *et seq.* and 2 Cal. Code Of Regulations Section 18361, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that each Respondent has violated the Political Reform Act as described herein.

Each Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the face of this document, and a check or money order in said amount, payable to the "General Fund of the State of California," is submitted herewith to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to each Respondent. Each Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, no member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Exhibit I

Case: 11/405

Respondent: DAVE MERWIN

All amendments have now been filed in connection with this matter.

No. of Counts	Type of Statement	Reporting Period
4	2006 Annual	January 1, 2006 through December 31, 2006
2	2007 Annual	January 1, 2007 through December 31, 2007
5	2008 Annual	January 1, 2008 through December 31, 2008
1	2009 Annual	January 1, 2009 through December 31, 2009
Total No. of Counts: 12		Penalty: \$2,400

GIFTS RECEIVED

Donor	Value	Description
2006		
Freeman, Spogli Partners	\$ 50.00	Entertainment
LP Capital Advisors	\$ 95.00	Softball/Open House
Silver Lake Partners	\$430.00	Golf Clinic, Shirt, Bag, Golf Balls
2007		
LP Capital Advisors	\$ 99.00	Private Equity Review/Overview
Silver Lake Partners	\$310.00	Golf Green Fees, Shirt, Bag, Golf Balls
2008		
Centinella Capital Partners	\$355.00	Tickets to Oakland Raiders
Freeman, Spogli Partners	\$100.00	Entertainment
LP Capital Advisors	\$ 72.00	Softball/Holiday Party
Silver Lake Partners	\$650.00	Golf Green Fees, Bag, Vest, Hat, Flashdrive
2009		
Tailwind Mgmt, LP	\$187.00	Apple Ipod Touch

Continued on the Reverse

GIFTS RECEIVED OVER THE APPLICABLE GIFT LIMIT

Donor	Value	Description	Applicable Gift Limit
2006			
*Silver Lake Partners	\$430.00	Golf, Shirt, Bag, Golf Balls	\$360.00
2008			
*Silver Lake Partners	\$650.00	Golf Green Fees, Bag, Vest, Hat, Flashdrive	\$420

*Respondent reimbursed donor for gifts over the applicable limit on May 27, 2011.