



FAIR POLITICAL PRACTICES COMMISSION

425 L Street • Suite 620 • Sacramento, CA 95814-2329

(916) 327-5660 • Fax (916) 322-0830

February 15, 2013

Mr. Anthony Smith, Superintendent
Oakland Unified School District

REDACTED

Warning Letter Re: FPPC No. 12/982; Oakland Unified School District; Anthony Smith, Superintendent, Respondents

Dear Mr. Smith:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act)¹ found in Government Code Section 81000, and following. We received a sworn complaint against the Oakland Unified School District (District) alleging that the District violated the public access requirements of the Act. (Complaint sent to you previously.)

The complaint alleged that copies of the Statements of Economic Interests (Forms 700) were requested of the specific persons, but that the District failed to provide the statements upon request.

The Act requires every report and statement filed pursuant to the provisions of the Act is a public record available for public inspection and reproduction during regular business hours. (Section 81008.)

In the future, when a request is made for any report or statement required to be filed under the Act, the District must make it available upon request.

Your failure to provide the statement upon request is a violation of the Act. (Gov. Code § 81008.) However, since you have now provided those statements, we are closing our file on this matter. This letter serves as a written warning. The information in this

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.

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 Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Mr. Edgard Rakestraw, Jr.