



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
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February 24, 2014

Supervisor Jon P. Kennedy
County of Plumas

REDACTED

Warning Letter Re: FPPC Case No. 14/016; Jon P. Kennedy

Dear Mr. Kennedy:

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 FPPC's Technical Assistance Division alleging that you violated the gift limits.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that on the Schedule D of the Statement of Economic Interests you filed on or about April 8, 2013, covering calendar year 2012, you disclosed that you received a gift in excess of the gift limits imposed by the Act in Section 89503.

The Act prohibits certain public officials from accepting gifts valued beyond the gift limit. (GC § 89503.) Specifically, the term "gift" is defined as "any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received." (GC § 82028(a).) As an elected county official, you are prohibited from accepting gifts from any single source in any calendar year with a total value of more than the gift limit. (GC § 89503(a).) The gift limit in 2012 was \$420. (Regulation § 18940.2.) On December 3, 2012, according to Schedule D of your Form 700, you received a gift of a Mini iPad from Enterprise Rent A Car valued at \$429. The gift was received by you in a raffle held while you were attending California State Association of Counties (CSAC) Annual Meeting. Although there is an exception from the definition of "gift" for a prize or award received in a manner not related to the official's status in a bona fide contest, competition, or game of chance, the FPPC has

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.

consistently held the position that the exception will not apply if the event was held primarily for public officials and therefore the drawing was based on the official status of the attendees. (Regulation §18942(a)(14); *Allen* Advice Letter, No. A-95-148.) The CSAC event appears to have been held primarily for county officials and the attendance of officials' spouses and vendors attempting to interest the attending officials in their services and products will not serve to dilute the numbers of county officials. (For details on gifts to officials through their family members, please see Regulation § 18943.)

Your actions violated the Act because you received a gift over the limit. However, because you have no prior Enforcement cases and the amount over the limit is small, we have decided to close this case with this warning letter. 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 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.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

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cc: FPPC Technical Assistance Division