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

December 14, 2011

Mr. Gordon Shanks

REDACTED

Re: Warning Letter
FPPC No. 11/1041; Sworn complaint against Gordon Shanks

Dear Mr. Shanks:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a sworn complaint filed against you that alleged you violated the personal finance effects provision of the Act. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. An official has a financial interest in a decision within the meaning of section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, or a member of his or her immediate family. Specifically, the FPPC found that you violated section 87100 when you voted to appoint yourself to outside boards and/or commissions in which it was reasonably foreseeable that the decision would affect your personal finances.

For purposes of disqualification under sections 87100 and 87103, an official has an economic interest in his or her personal finances and those of his or her immediate family. A governmental decision will have an effect on this economic interest if the decision will result in the personal expenses, income, assets, or liabilities of the official or his or her immediate family increasing or decreasing. (Regulation 18703.5.) Furthermore, regulation 18705.5 states a reasonably foreseeable effect on an official's or his or her immediate family's personal finances are material if it is at least $250 in any 12-month period. "The financial effects of a decision

[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.

which affects only the salary, per diem, or reimbursement for expenses the public official or any member of his or her immediate family receives from a federal, state, or local government agency shall not be deemed material *unless* the decision it to appoint, or hire the official....". (Regulation 18705.5(b).)

Your actions violated the Act's personal financial effects provision when you voted to approve your appointment to various boards and/or committees in which it was reasonable foreseeable the decision would affect your personal finances by $250 in a 12-month period. However, based on the fact that your decision did not affect your personal finances by a significant amount, and the fact that you do not have an enforcement history, 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 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 Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr

Cc: Mathew Delaney