



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

February 27, 2012

✓ Robert Kellar

REDACTED

Warning Letter Re: FPPC Case No. 12/069, Robert Kellar

Dear Mr. Kellar:

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 complaint filed against you alleging, among other things,² your violation of Section 87460, subdivision (d).

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you did violate Section 87406, subdivision (d). The Act provides that receiving a personal loan while a city council member from any person who has a contract with the council member's city is a violation. (GC § 87406(d).) Specifically, as a Santa Clarita City Council member, you received a personal loan, made out to you, from Larry Rasmussen, a developer who was party to a Development Agreement with the City of Santa Clarita for Santa Clarita Business Park.

Your actions violated the Act when you received a personal loan from a developer who had a contractual agreement with the City of Santa Clarita. However, the developer's contract with the city predated your election to the council. Further, you did not appear to be hiding this information, since you disclosed the loan on your Statement of Economic Interests. For these reasons, we have decided to close this case. Please be aware that, for the duration of the loan and for 12 months after it is paid, you will be disqualified from voting on decisions that materially financially affect the developer who lent you the money.

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.

² The complaint contained several other allegations, but did not provide sufficient evidence to warrant an investigation.

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.

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: Edward A. Colley