



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

March 13, 2012

✓ Robin Lowe

REDACTED

Re: Warning Letter - FPPC No. 10/051, Robin Lowe

Dear Ms. Lowe:

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 violations of the Act's conflicts of interests provisions.

June 26, 2007 and June 10, 2008 Decisions

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that on or about June 26, 2007 and June 10, 2008: 1) you were a member of the Hemet City Council; 2) you voted to approve the annual budget which included a specific line-item appropriation to Prime of Life; 3) you were executive director of and received an annual salary from Prime of Life, thus Prime of Life was a source of income to you; 4) Prime of Life was directly involved in the budget decision as a named party; 5) the financial effect of the decision on Prime of Life was material; and 6) the material financial effect was reasonably foreseeable.

The Act provides that a public official is prohibited from making decisions regarding matters in which he/she has a financial interest. Specifically, the Act provides in Government Code Section 87100: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." To determine whether an individual has a disqualifying conflict of interests, the FPPC generally employs the following sequenced analysis: 1) was the individual a public official; 2) did the official make, participate in making, or use or attempt to use his official position to influence a governmental decision; 3) what are the public official's economic interests; 4) was the economic interest affected by the decision, either directly or indirectly; 5) was the economic interest

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.

materially affected by the decision; 6) was it reasonably foreseeable that the economic interest would be materially affected by the decision. (See Regulation 18700.)

Your actions on June 26, 2007, and June 10, 2008, violated the Act because you made governmental decisions which would reasonably have a material financial effect on one of your sources of income, Prime of Life. Thus, you had a disqualifying conflict of interest under the Act and should have recused yourself from voting on these matters.

However, upon review of the evidence available, it appears there are mitigating circumstances. The City of Hemet entered into a contract with Prime of Life in 1991, establishing annual funding from the City of Hemet in exchange for outreach and referral services provided to elderly residents from Prime of Life. Thus, the contract was established several years prior to the date you were first elected to the Hemet City Council as well as many years prior to your acceptance of the executive director position for Prime of Life. The agreement renewed automatically each year for another one-year term, without any action required on the part of the Hemet City Council or Prime of Life. Additionally, the City Council had no authority to change the amount paid to Prime of Life without changing the contract terms. The decisions at issue here involved only the acceptance of the annual budgets, which included the line-item for the allocation to Prime of Life. The decisions did not determine the amount the City of Hemet would pay for the services.

Additionally, it appears from the evidence obtained in this case that the other Hemet City Council members were well aware that you were the executive director of Prime of Life. Also of note, Prime of Life dissolved in May 2009, and your term as a member of the Hemet City Council ended in December 2010. Thus, the totality of the circumstances shows that there was minimal public harm in this regard.

September 23, 2008 Decision

Additionally, the FPPC found that on or about September 23, 2008: 1) you were a member of the Hemet City Council; 2) at the request of the Hemet City Council, you presented information to the Hemet City Council as the executive director of Prime of Life regarding the services provided by Prime of Life and its financial status; you recused yourself from the vote by the Hemet City Council to approve the agenda item as presented; and 3) you were executive director of and received an annual salary from Prime of Life, thus Prime of Life was a source of income to you.

Because the Hemet City Council specifically requested that you present information to the Hemet City Council in your role as executive director of Prime of Life, and you recused yourself from voting on this item as a member of the Hemet City Council, the Enforcement Division has determined that there is no violation by you of the conflicts of interests provisions of the Act regarding the Hemet City Council decision on September 23, 2008 regarding Prime of Life.

Conclusion

This letter serves as a written warning as to the decisions made on June 26, 2007, and June 10, 2008. You are advised that your failure to comply with the provisions of the Political Reform Act in the future could result in an enforcement action. Additionally, the information in this case will be retained, and may be used against you should an enforcement action later become necessary based on future conduct and/or newly discovered information. Please be advised that your failure to comply with the provisions of the Act in the future may 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 your 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 me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Angela J. Brereton
Senior Commission Counsel
Enforcement Division