



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0880

May 27, 2010

Andres Gomez

REDACTED

Warning Letter Re: FPPC No. 09/746, Andres Gomez

Dear Mr. Gomez:

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 as a result of a referral from the California Strawberry Commission alleging that you failed to file your 2006 Annual Statement of Economic Interest ("SEI"). The Enforcement Division determined that you filed an Assuming Office SEI on July 27, 2006, and you filed your 2007 Annual SEI on March 28, 2008.

The Act provides that you must file an assuming office SEI, annual SEI's, and a leaving office SEI that disclose all required economic interests. By failing to file required SEI's while you served as an alternate member of the California Strawberry Commission, you violated Sections 87300 and 87302 of the Act. These sections of the Act require every State and local agency to develop a conflict of interest code. This code must require persons involved in the making or participating in the making of decisions which may foreseeably have a material effect on any financial interest to disclose reportable interests. Persons required to disclose their economic interests must file SEI's within specified time periods. Your actions violated the Act because you did not file 2008 and 2009 Annual Statements of Economic Interests and a Leaving Office Statement of Economic Interests, as required by the Act and the Conflict of Interest Code of the California Strawberry Commission.

However, while you were a public official, you attended only one meeting of the California Strawberry Commission in 2006. In addition, you were not reelected after the end of your two-year term of office, and your service as an alternate member extended beyond 2008.

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 18109 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.

only because your successor was not elected until May 2009. Finally, after your attendance at the 2006 meeting you did not participate in any California Strawberry Commission activities.

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 me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Luisa Merchaca
Senior Commission Counsel