



FAIR POLITICAL PRACTICES COMMISSION

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

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June 5, 2012

Mr. Lyle Turpin
c/o Ms. Nubia Goldstein, Esq.
DL White Law Group

REDACTED

Re: Warning Letter
FPPC No. 11/351

Dear Mr. Turpin:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a sworn complaint received in April 2011, which alleged a conflict of interest on your part, as a Mariposa County Supervisor. The complaint pertained to the listing of your ranch as a borrow pit/site for dirt on an addendum to a request for proposal for the Lake Don Pedro Fire Station. After investigation, the FPPC is closing its file on this matter with a warning letter for the reasons set forth below.

Section 87100 provides: "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."

Our investigation found that:

- On February 1, 2011, you and the other members of the Mariposa County Board of Supervisors unanimously approved plans and specifications for the Lake Don Pedro Fire Station and authorized the Public Works Director to award the agreement to the lowest responsible bidder.

¹ The 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.

- You owned a ranch within approximately eight miles of the project site, and you believed that if your ranch were used as a borrow pit, it might decrease the cost of importing material from elsewhere.
- After paying \$402 for a soil test, which established that the soil from your property met the specifications for the fire station project, you asked Public Works Director Allen Toschi to list your ranch as an available borrow pit/site on an addendum. Mr. Toschi did so, and the addendum was dated March 9, 2011.
- You stated your intention was to sell your soil for two dollars per cubic yard, and you would require the contractor to build a gate and put down gravel for a driveway.
- The contractor selected for the project did not use your ranch as a borrow pit/site.

Your request to have your ranch listed as an available borrow pit/site on the addendum to the request for proposal was a conflict of interest within the meaning of Section 87100. However, our investigation revealed that your actions may have been an attempt to reduce the cost/bid price of the project, and ultimately, you received no profit because your ranch was not used as a borrow pit/site. Also, you provided full cooperation in connection with the Enforcement Division's investigation of this matter. For these reasons, the FPPC has decided not to pursue an enforcement action at this time.

However, the information in this case will be retained and may be used against you should an enforcement action become necessary due to newly discovered information and/or failure to comply with the Act in the future. Failure to comply with the provisions of the Act in the future may result in monetary penalties of up to \$5,000 per violation.

Please note that our Legal Division and Technical Assistance Division can provide advice and assistance for issues which may arise in the future. You may contact either division by calling our toll-free number: 1-866-ASK-FPPC (1-866-275-3772). Also, you may refer to the FPPC website at www.fppc.ca.gov for current information.

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.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. Please feel free to contact me at (916) 322-5660 with any questions you may have regarding this letter.

Very truly yours,

REDACTED


Neal P. Bucknell
Senior Commission Counsel
Enforcement Division

cc: Mr. James Allen