



FAIR POLITICAL PRACTICES COMMISSION

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

June 27, 2011

Mr. Lyle Pierceall
Maryanov Madsen Gordon & Campbell, CPA's
o/b/o John Gomes

REDACTED

**Re: Warning Letter
FPPC No. 10/695; John Gomes**

Dear Mr. Pierceall:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code Section 81000, and following. This letter is in response to a non-filer referral from FPPC's Technical Assistance Division that alleged your client violated the Act's disclosure provisions regarding his failure to file the 2009 Annual Statement of Economic Interests ("SEI").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that your client violated the Act's disclosure provisions when, as a former member of the City of Palm Springs' Board of Appeal, he failed to properly file his 2009 Annual SEI.

Section 87300 of the Act requires 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 financial effect on any financial interest belonging to that person to disclose reportable interests. Each newly designated employee shall file a statement within 30 days after assuming office. Throughout the duration of holding that office, each designated employee shall file an annual statement at the time specified in the code. Lastly, every designated employee who leaves office shall file a statement within 30 days of leaving their position.

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.

Your client's actions violated the Act because he failed to file the required statement by the April 1, 2010 deadline. (Gov. Code § 87300.) However, since the Board of Appeals has not met in over 5 years, your client has left office, and does not have a history of violating the Act, we are closing this matter with a warning letter. The information in this matter will be retained and may be considered should an enforcement action become necessary based on future conduct or newly discovered information. 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.

Although the Enforcement Division is not seeking a penalty in the current matter, your client is still responsible for any late filing fees assessed by his filing officer, the City of Palm Springs. (Gov. Code § 91013.)

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If your client wishes to avail himself of these proceedings by requesting that his 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.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your client's obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Please feel free to contact Terri Rindahl at (916) 327-2018 with any questions you or your client may have regarding this letter.

Sincerely,

REDACTED

✓ / Gary S. Winuk
Chief, Enforcement Division

GSW/tr

cc: James Thompson, City of Palm Springs
John Gomes