



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 23, 2014

Mr. Bob Filner



Re: Warning Letter
FPPC Case No. 14/26

Dear Mr. Filner:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a referral from the City of San Diego Ethics Commission (received January 2014), requesting a joint investigation into your alleged acceptance of an unlawful gift. After investigation, the FPPC is closing its file on this matter with a warning letter as discussed below.

Under the Act, elected officers of local government agencies, including mayors, are prohibited from accepting gifts from any single source in any calendar year with a value in excess of \$440. (Section 89503, subd. (a); Regulation 18940.2.) In a situation where a public official has received an over-the-limit gift, the official is allowed to keep the gift so long as the official reimburses the donor for the over-the-limit amount of the gift within 30 days. (Regulation 18941, subd. (c)(3).)

In this case, our joint investigation found that:

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.

- In June 2013, as Mayor of the City of San Diego, you accepted a gift from the Organization of Iranian-American Communities (“OIAC”) in the approximate amount of \$9,839 in the form of a paid trip to Paris, France.
- It appears that your trip to Paris involved a rally condemning human rights violations in Iran.
- In a letter to the FPPC dated January 20, 2014, you acknowledged that this was an over-the-limit gift, claiming that you “immediately wrote a personal check to OIAC for the total cost of the trip (check #159, June 28, 2013, Bank of America).”
- However, it appears from your bank records that you did not make your payment to OIAC until August 2013 (check #176)—when you reimbursed OIAC in the amount of \$9,399 to cover the over-the-limit portion of the gift.

Your conduct, as described above, amounted to a violation of Section 89503, subdivision (a), which prohibits the acceptance of over-the-limit gifts. Although you reimbursed the donor for the over-the-limit amount of the gift, you failed to do so within 30 days as required by Regulation 18941, subdivision (c)(3).

Even though we are closing this matter with a warning letter, 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,

A black rectangular redaction box covering the signature of Neal P. Bucknell.

Neal P. Bucknell
Senior Commission Counsel
Enforcement Division

cc: City of San Diego Ethics Commission