



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
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August 30, 2011

Modesto City Council Member Joe Muratore
c/o Lance Olson, Esq.
Olson Hagel & Fishburn LLP

REDACTED

Warning Letter Re: FPPC Case No. 11/794, Joe Muratore
REISSUED DUE TO TYPOGRAPHICAL ERROR

Dear Mr. Muratore:

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 letter sent to us by your attorney, Mr. Lance Olson, regarding your violation of section 87100.

The Act provides in its conflict-of-interest provisions that public officials will "perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (Section 81001(b).) Section 87100 prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. (GC § 87100.)

Your actions violated the Act when, at a January 26, 2010 city council meeting you voted on a matter, acceptance of a HUD Neighborhood Stabilization Program grant, in which an indirectly involved financial interest of yours, Trinity Ventures, would be reasonably foreseeably materially affected. Because, however, you received advice from the City Attorney that you could vote and, once you realized you had violated the conflict-of-interest prohibition of Section 87100, you promptly brought the matter to our attention through your attorney's letter, we have decided to close this case.

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.

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.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

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Gary S. Winuk, Chief
Enforcement Division

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