



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

October 3, 2013

Ms. Deborah Mendel
Locke Management Assn.

REDACTED

Warning Letter Re: FPPC Nos. 13/874; Deborah Mendel, Respondent

Dear Ms. Mendel:

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 two complaints filed against you that alleged that you had a conflict of interest when you participated in at an August 9, 2011 meeting of the Locke Management Association (the "Association").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that during consideration by the Association of its first right of refusal on property owned by Connie King, item VI., of the August 9, 2011 agenda, you participated in discussions when you had a conflict of interest on the issue.

The Act provides that when an official has an interest in real property (i.e., the property is in escrow), the official has an interest in that real property and should not make, participate in making, or use their official position to influence any decision affecting the real property. (Section 82033; *Kuhn* Advice Letter, No. A-02-192; Section 87103(b).)

Since you did publicly recuse yourself on this issue and because your comments appeared to be in response to questions that were posed during the discussion, we are closing our file on this matter.

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.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Mr. Ernest Wester