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

September 12, 2011

Cindy Atlas
Executive Director
San Diego Special Education Charter School Consortium

REDACTED

Warning Letter Re: FPPC Case No. 11/099, San Diego Special Education Charter School Consortium and Cindy Atlas

Dear Ms. Atlas:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a referral filed against your agency regarding your agency's failure to review its conflict of interest code when directed to by the County of San Diego.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that your agency failed to review its conflict of interest code when directed to by the County of San Diego.

The Act requires that no later than July 1 of each even-numbered year, the code reviewing body, which, in your agency's case, would be County of San Diego, shall direct every local agency which has adopted a conflict of interest code to review its conflict of interest code and, if a change in its code is necessitated by changed circumstances, submit an amended conflict of interest to the code reviewing body. (GC § 87306.5(a).) Upon review of its code, if no change in the code is required, the local agency head shall submit a written statement to that

[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.

effect to the code reviewing body no later than October 1 of the same year, which, in this case, was 2010. (GC § 87306.5(a).)

Your actions as head of the local agency and your agency's actions violated the Act because you failed to respond to the County of San Diego's request that you review and update your conflict of interest code. However, because you have no prior violations of the Act, we are closing your case with this warning letter. 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.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.) 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 obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772 or our website at www.fppc.ca.gov. Please feel free to contact Adrianne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

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cc: Leon Schorr, Deputy District Attorney, County of San Diego
Grace Andoh, Public Services Program Manager, and Thomas Pastuszka, Clerk of the Board of Supervisors, County of San Diego