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

September 15, 2010

Ms. Carolyn Cavecche
REDACTED

Warning Letter Re: FPPC No. 10/756, Carolyn Cavecche Respondent

Dear Ms. Cavecche:

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 your self-reported complaint wherein you notified us that you inadvertently violated the Act's conflict of interest provisions of Section 84308.

The FPPC has completed its investigation of the facts in this case. Specifically, as you stated, as a member of the Board of Directors of the Orange County Transportation Agency, you participated in a consent calendar item on April 12, 2010 that affected the source of a contribution that you received in March of 2010. When this came to light in June of 2010, you contacted the board counsel and the FPPC's Enforcement Division.

The Act provides that officials who are appointed to boards or commissions may not in certain circumstances participate in a governmental decision that if a source of a campaign contribution is financially interested in the decision. Specifically, Section 84308 prohibits an elected official, while sitting in an appointed capacity, from participating in certain types of decisions if a party or participant in the proceeding has been the source of a contribution of $250 or more in the previous 12-month period. The type of proceedings covered by Section 84308 includes such things as non-competitive bid contracts, permits, licenses and land use entitlements.

[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 18109 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 actions violated the Act because you received a contribution from HDR, Inc., in March of 2010, and then participated in a contract extension on April 12, 2010 that affected HDR, Inc. Since you contacted the Enforcement Division immediately upon realizing your error, we are closing this matter.

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