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

July 15, 2009

Vincent Yzaguirre

REDACTED

RE: **Warning Letter**
FPPC Case No. 090437, Vincent Yzaguirre

Dear Mr. Yzaguirre:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. This letter is regarding your letter to the Commission stating that you had possibly violated the Act's Section 84308 by voting on a decision in your capacity as an appointed member of the Inland Valley Development Agency ("Agency") regarding a project on which two of the listed contractors were affiliated companies of a contributor to your committee.

Section 84308 imposes two requirements on public officials subject to this statute. The first is a prohibition on soliciting or receiving contributions over $250 from parties and participants in a "proceeding" involving a license, permit, or other entitlement for use that is pending before the officer's agency. (Section 84308, subd. (b).)

The second requires the public official who has already accepted a contribution of more than $250 during the last 12 months from a party or participant in a proceeding involving a license, permit or other entitlement for use pending before an agency to disclose that fact on the record of the proceeding and disqualify himself or herself from participating. (Section 84308, subd. (c).) The Enforcement Division has determined that you have violated the second requirement of Section 84308.

Your attempts to rectify the violation, recounted in your letter to the Commission, are as follows:

- Upon realizing that you may have violated Section 84308 at the Agency's May 13, 2009, meeting, you sought and then received agency counsel on May 14, 2009.

- On May 28, 3009, you mailed a refund check to the contributor for the amount of the contribution.

- You requested a reconsideration of the Agency's decision regarding the project at issue for the Agency's June 10, 2009 meeting.

- You provided minutes to us for the Agency's June 10, 2009 meeting during which you were absent for the reconsideration of the decision at issue.

Although you violated the conflict of interest provision of the Act's Section 84308, based on the facts in this matter, we have decided to close this case, in significant part because you acted promptly to correct the violation and the original approval of the project was reconsidered in your absence. 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 future conduct or newly discovered information. Failure to comply with the provisions of the Act in the future may result in an enforcement action against the Committee, including monetary penalties of up to $5,000 for each violation.

If you need guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3722. Please also visit our website at www.fppc.ca.gov. If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

Gary S. Winuk
Chief, Enforcement Division

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