

October 18, 2021

Enforcement Division

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000

Sacramento, CA 95811

RE: Public Comment on Consent Agenda Item re: Charles Grace on October 21, 2021 Agenda

Dear Committee,

The below-signatories are members of the public and reside in the San Simeon Community Services district that is directly impacted by the Committee's review of the submitted, above-referenced, Stipulation. We write to support the findings in part and to object to them in part. Mainly, we object to the finding that Grace's actions resulted in "No harm to the public." however, we support, in material part, the remainder of the findings.

The violation to Count 1 is clearly indicated in the Stipulation. It states in pertinent part:

Charles Grace was a provider of general manager services for the San Simeon Community Services District. In this capacity, Grace was a public official subject to Government Code section 1090. Grace had a prohibited conflict of interest when he participated in the making of the contract between the San Simeon Community Services District and Grace Environmental Services, a limited liability corporation in which Grace is the sole manager, signed on January 20, 2016, in violation of Government Code Section 1090.

We are pleased that the investigation revealing the Government Code Violation concluded and that the FPPC has taken its role to enforce the law seriously. However, we find fault with the draft Stipulation because it recounts that in spite of Grace executing ten years-worth of Statements of Economic Interest forms, a.k.a. Form 700 it incongruently also finds that there was "No harm to the public". We feel harm is inherent in Grace's continuous and overt filing of these forms while under a clear conflict of interest because the public was caused to rely upon the attestations which were false. The Stipulation shows that he "blames the lawyer" but it's not clear to us that he ever asked any district counsel to review the forms prior to his filing them. This enforcement body may need to conduct a separate investigation of the cited lawyer(s) for providing bad advice and causing Grace to violate 1090, but it's very unclear to us from the Stipulation that the alleged lawyer-to-blame was ever engaged at any time to review the Form 700s or if Grace's fiduciary position itself and the fact that he holds a Juris Doctorate degree

lulled district counsel in to a sense that the forms were clear enough on the topic and no legal intervention was required given Grace's background and experience. We don't know what was stated to any lawyer or concealed from any lawyer for the district but, clearly, the alleged bad actor lawyer should be a witness in this investigation and should be asked about reasonable reliance upon the General Manager's own integrity and professional judgment in making attestations on Form 700 for the ten-year period in question. In the Stipulation, he agrees that he commits the act and blames the "harm" perpetrated on the Public flowing from the act on the failure of district counsel to protect the District. The language fails to recognize that Grace's legal and fiduciary duty to the public did not end due to an alleged failure by the district counsel to ferret-out his intent to conceal his conflict of interest by attesting to the lack thereof by filing the Form 700. The public was harmed and that deserves to be noted as part of the Stipulation.

Navigating to the FPPC website to gain a deeper understanding of the Form 700, the Public is told that the form 700 **ENSURES**, transparency AND **ACCOUNTABILITY** (our emphasis added). It's our opinions as members of the public directly impacted by the findings in the Stipulation that FPPC has failed here to deliver the necessary accountability it is bound to ensure. To us, it is incongruent to, on the one hand, find that (1) There is a violation of Count 1 under Government Code Section 1090, and at the same time find that (2) no harm came to the public as a result all the while citing the filing of 10 years of Form 700 submissions by Grace. We implore the committee to reconsider this language in the Stipulation because of this incongruence.

The FPPC website provides the public with an explanation as to the content and purpose of the Statement of Economic Interest, a.k.a Form 700.

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability in two ways: (emphasis added)

- 1. It provides necessary information to the public about an official's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances.*
- 2. It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest. (under-scored emphasis added)*

It's the opinion of the undersigned residents of the San Simeon community and the public that the finding of "no harm" to the public resulted from the conflict itself is in error because the Form 700 purpose was completely frustrated by Grace's conduct. The Public reliance upon the attestations in at least ten Form 700's filed by Grace over the years was overtly betrayed. Although difficult to quantify, there is palpable reputational and ethical harm perpetrated on the public. Therefore, in our opinion, the committee should conclude that harm had come to the community and should find as such by modifying the Stipulation because finding "No harm to the public" resulting from Grace's ongoing and continuous conduct in the face of the "reminder" set out on the Form 700, is, to us, an illogical conclusion and antithetical to the very purpose of the form itself. Therefore, in our opinion, the committee should conclude that harm had come to the public and the 1090 violation caused this harm and should find as such by modifying the Stipulation to so state.

We, think that the calculated fine here anticipates the finding of harm to the public because the maximum statutory fine is only \$500.00 more than what is proposed to be levied so it's nearly the full fine and would imply that this is a serious offense. But we want the committee to understand that this does not, alone, alleviate the pain to the under-signed rate payers that supported Grace's illegal financial gain merely by paying their utility bills as they were required to do.

Not within the public's control is the contract with Grace, although void ab-initio under the law, that is now, as of this writing, signed again as an Amended and Restated contract approved by the SSCSD board. We believe that a significant factor in the board's approval of this amended and restated agreement is the assumed ratification by FPPC of the pending Stipulation that "No harm" came from Grace's actions. Here, Grace is free to repeat the same behavior because those that support Grace on the board can point to FPPC's authority to find "no harm" and waive their hand at any public opinion to the contrary. We think that a finding of "no harm" will bolster Grace's hubris and will do nothing to deter him or any other bad actor like him in repeating this code-violating behavior. Moreover, the finding of "No harm..." paves the way for the board and those utilizing your conclusions here as precedent to freely continue to contract with self-interested persons without regard to the harm they have perpetrated on the public by the very act of self-interest in spite of attestation to the contrary only because the district was represented by counsel? How does this make any sense at all? The undersigned public citizens and those residing in the San Simeon Community Services District in fact are harmed by the violation of 1090 itself and the repeated signing of Form 700. Since tolling was waived in this case, each signature on Form 700 is an offense to the law and to the community to which Grace owed a duty. The committee should so find and modify the Stipulation accordingly.

In closing, we thank the investigators and the supporting legal counsel for the tremendous effort expended to enforce the 1090 violation. We also thank the committee for their consideration of the content of this correspondence. We think ethics matter.

Sincerely,

A group of concerned members of the public and San Simeon residents.

The identities and signatures of each of the concerned members of the public are included on a series of attachments to this letter each of the incorporating this letter by reference. Each accepts and supports this letter and wish to apply their signatures in "multiple parts" to signify their wish to consider this letter as their individual public comment to the referenced Agenda item.

CC: Angela Brerton, Chief Enforcement, abrereon@fppc.ca.gov
Theresa Gilbertson, Senior Commission Counsel,
tgilbertson@fppc.ca.gov San Luis Obispo County Deputy District
Attorney, Kenneth Jorgensen

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation Decision and Order

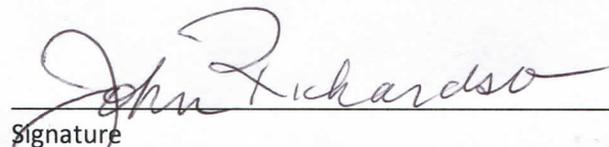
Comment Submission for October 21, 2021 Meeting Consent Agenda Item - Charles Grace

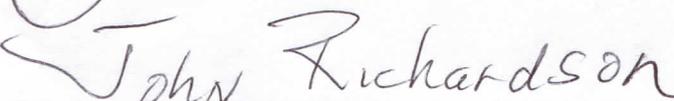
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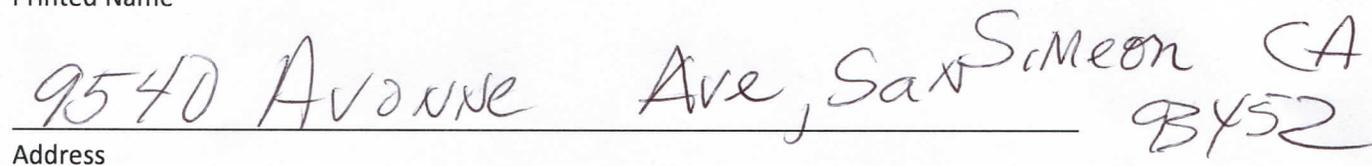
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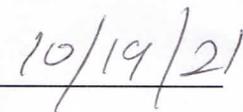
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Therefore, in our opinion, the committee should conclude that harm had come to the public and the 1090 violation caused this harm and should find as such by modifying the Stipulation to so state.


Signature


Printed Name


Address


Date

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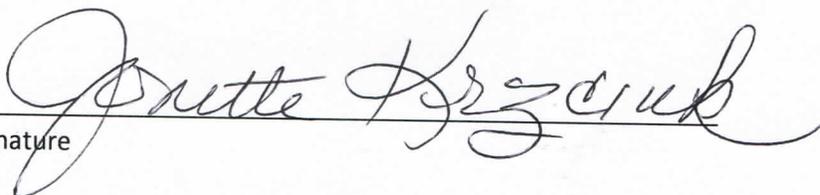
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Signature

Jonette Krzciuk
Printed Name

9540 Avonue Ave #46 San Simeon Ca
Address

10/19/21
Date

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation Decision and Order

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Signature

HENRY KRZCIUK

Printed Name

9540 AVONDALE AVE SPC 46 SAN SIMEON, CA

Address

10/19/21

Date

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Alice L Koop

Signature

Alice L. Koop

Printed Name

9540 Avonne Ave Spc 44, San Simeon CA

Address

10-19-21

Date

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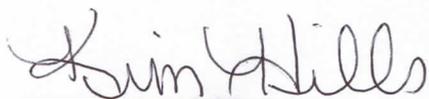
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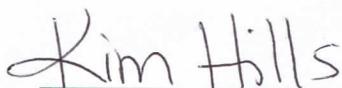
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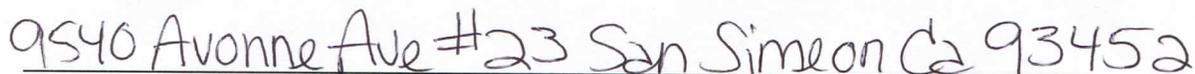
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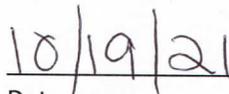
Signature



Printed Name



Address



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Signature

MICHAEL DONAHUE

Printed Name

9540 AYONNE AVE SPC5 SAN SIMEON CA

Address

10/19/2021

Date

To: Fair Political Practices Commission

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Diana Novak

Signature

Diana Novak

Printed Name

9540 Avonne Ave. #2

Address

San Simeon, CA

Date

10/19/21

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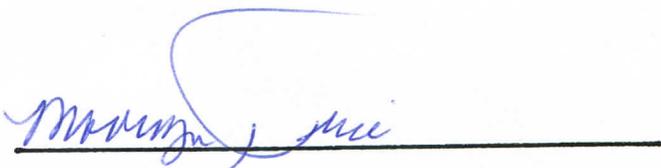
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Signature

Mooyin J Price

Printed Name

9540 AVONNE AVE SPCIS SAN SIMEON

Address

Unit 15

Date

10/19/2021

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Signature

MARIE FE DONAHUE

Printed Name
9540 AVONNE AVE SPC5 SAN SIMEON CA

Address
10/19/2021

Date

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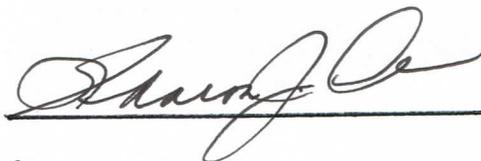
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Signature

SHARON J. CHOW

Printed Name

9540 AVONNE AVE. #38 SAN SIMEON CA

Address

Date 10-18-2021

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Michael Donahue

Signature

MICHAEL DONAHUE

Printed Name

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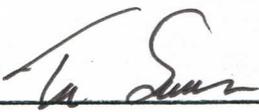
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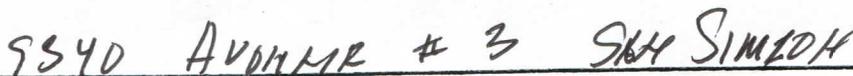
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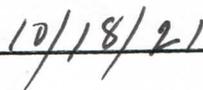
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LEE DAVIS

Signature

9540 AVONNE AVE SPC 38 SAN SIMEON CA

Printed Name

LEE DAVIS

Address

10/18/2021

Date

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Rosemary Harmon

Signature

Rosemary Flamion

Printed Name

9540 Avonne Ave, #43

Address

San Simeon

Date

Oct 19, 2021

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Leroy E Price

Signature

LEROY E PRICE

Printed Name

9540 AYONNE AVE UNIT 15 SAN SIMEON CA

Address

Unit 15

Date

10/19/2021

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Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation, Decision and Order

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The below-signatory is a member of the public and resides in the San Simeon Community Services district that is directly impacted by the Committee's review of the submitted, above-referenced, Stipulation. I write to support the findings in part and to object to them in part. Mainly, I object to the finding that Grace's actions resulted in "No harm to the public." however, I support in material part the remainder of the findings.

It is my opinion as a resident of the San Simeon community and the public that the finding of "no harm" to the public resulted from the conflict itself is in error because the Form 700 purpose was completely frustrated by Grace's conduct. The Public reliance upon the attestations in at least ten Form 700's filed by Grace over the years was overtly betrayed.

Therefore, in my opinion, the committee should conclude that harm had come to the public and the 1090 violation caused this harm and should find as such by modifying the Stipulation to so state.

Nancy M Mellsap

Signature

NANCY M MULLSAP

Printed Name

9540 AYONNE AVE SPC 36 SAN SIMEON CA

Address

#36

Date

10/19/2021

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation, Decision and Order

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Signature

MARIE FE DONAHUE

Printed Name

9540 AVONNE AVE SPCS SAN SIMEON

Address

10/19/2021

Date

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation Decision and Order

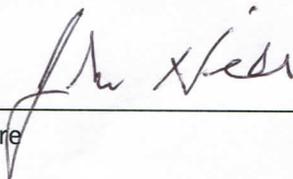
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Signature

John R. Hills

Printed Name

9540 Avonne Ave #23 San Simeon Ca 93452

Address

10/19/21

Date

To: Fair Political Practices Commission

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Deborah Richardson

Signature

Deborah Richardson

Printed Name

9540 Avonne Ave. #25

Address

10/19/2021

Date

Fred Glienna
P. O. Box 1414
South Pasadena CA 91031-1414
(626) 799-7071
fglienna@aol.com

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To this obvious form letter I add my own comments: **TRANSPARENCY** is key to any public endeavor, and the SSCSD's conduct with and contract with Mr. Grave both violate this simple observation.

Also, in line three of paragraph two, I would have written "affected" instead of "Impacted." But that's me.

Signature



Printed Name

FRED GLIENNA

Address

289 Vista del Mar, San Simeon CA

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation Decision and Order

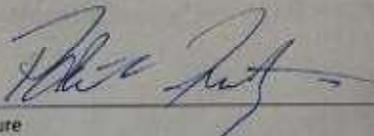
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Signature

Patrick Fawcett

Printed Name

534 Casa del Mar Dr

Address

10/19/2021

Date

To: Fair Political Practices Commission

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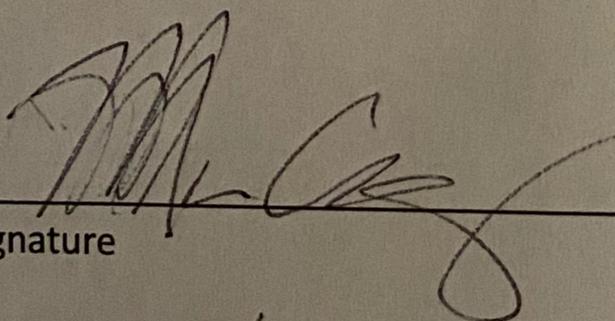
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Signature

Michael Cruz
Printed Name

9540 Avonne Ave. #42 San Simeon, CA
Address

10/19/2021
Date

To: Fair Political Practices Commission

Subject: FPPC Case No. 2020-00416 Charles Grace, Stipulation Decision and Order

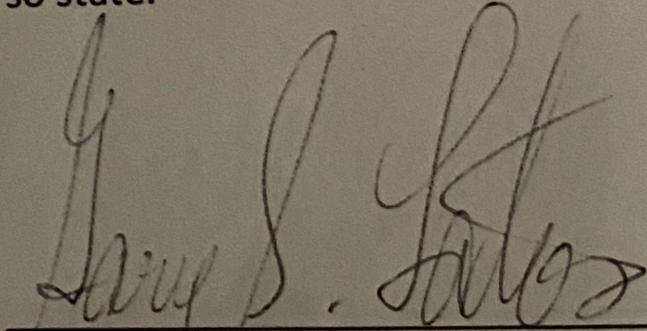
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Signature

GARY S. LATOS

Printed Name

9540 AVONNE AVE #42 SAN SIMEON, CA 93452

Address

10/19/21

Date

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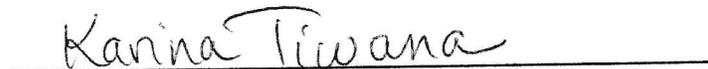
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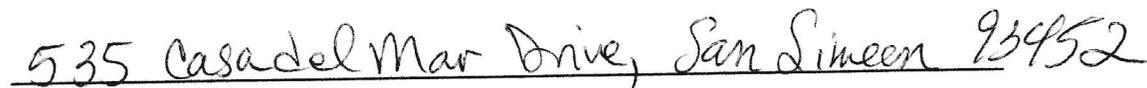
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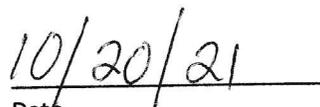
Signature



Printed Name



Address



Date