



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

July 9, 2021

The Honorable Todd Gloria
Former State Assemblymember AD78
202 C Street, 11th Floor
San Diego, CA 92101
Via e-mail: toddrgloria@sandiego.gov; MayorToddGloria@sandiego.gov

Warning Letter Re: FPPC No. 2021-00498; Todd Gloria

Dear Mayor Gloria:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ The Enforcement Division received a referral from the Commission’s Administration Division that alleged you failed to timely file two behested payment reports (Form 803) after California Charter School Association and Lucky Chances Inc. made payments to Foundation for California’s Technology and Innovation Economy, at your behest.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that on June 28, 2018 the California Charter School Association made a payment of \$5,000 to Foundation for California’s Technology and Innovation Economy (“Foundation”) at your behest. Additionally on August 18, 2018, Lucky Chances Inc. made a payment of \$5,000 to the Foundation at your behest. Both of these payments triggered behested payment reporting obligations under the Act. Once a source reaches the \$5,000 disclosure threshold in a calendar year, all payments from that source, regardless of the amount, must be disclosed.

The Act provides that payments that are made principally for a legislative, governmental, or charitable purpose are neither contributions nor gifts to the elected official.² However, the payments made at the behest of an elected official must be reported by the official within 30 days following the date on which the payment or payments are made, if they equal or exceed \$5,000 in the aggregate, and are from the same source in the same calendar year.³

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Sections 82004.5 and 82015(c)(4).

³ Section 84224.

Your actions violated the Act because you failed to timely file two behested payment reports (Form 803) within 30 days of the date of the payments. However, mitigating factors exist such that the Enforcement Division has decided to close this case with this warning letter rather than issue a fine. The payment amounts were low, you filed the outstanding reports before you were contacted by the Enforcement Division, and you have no prior Enforcement history.

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 Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

Please feel free to contact Ginny Lambing at glambing@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB:gal

cc: Adam Silver