



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

December 29, 2021

Bret Kestell
[REDACTED]

Re: No Action Closure Letter - FPPC No. 18-706, In the Matter of Bret Kestell

Dear Mr. Kestell:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a sworn complaint against you in your former capacity as the General Manager of the Coachella Valley Public Cemetery District (the “District”). Specifically, the complaint alleged that you had a conflict with respect to decisions made by the Board relating to back-taxes owed by the District as the result of property being utilized as a residence, the Board’s hiring of your nephew as the subsequent general manager, the Board’s authorization of a transfer of \$27,000 for overtime compensation, and the Board’s decision to hire a private investigator regarding the conduct of a board member.

Upon investigation, the Enforcement Division determined that there is insufficient evidence to find that a violation of the Act has occurred.

With respect to the allegation regarding the back-taxes owed by the District: the District was assessed by Riverside County and was found to owe additional taxes because the District had failed to report that people were living in houses owned and maintained on District property. You provided a 2010 housing policy that held that the general manager and other employees were permitted to reside on the property as part of the compensation offered. According to that policy, the District was responsible for all property taxes. Even if there was a finding that you influenced the District’s payment of back-taxes owed as a result of your residence on the property, this decision would fall under an exception for decisions that relate to compensation or terms of employment.² Additionally, decisions related to any transfer of any accrued benefits, such as \$27,000 for overtime compensation, would also fall under the same exception.

With respect to the allegation regarding the District’s hiring of your nephew, this conduct, even if proven true, would not be within the jurisdiction of the Act. Under the Act, a nephew is not considered “immediate family” for purposes of conflicts of interest under Section 87100.³ Moreover, you provided evidence that the job requirements were determined by the Board and the position was

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

² Regulation 18704, subdivision (d)(3).

³ See Section 82029.

publicly advertised to support your statement that you did not influence the Board to hire your nephew.

With respect to the allegation regarding the District's hiring of a private investigator and the resulting investigation report, the Enforcement Division concludes that this allegation lacks merit as it is not reasonably foreseeable that any decisions related to the drafting of an investigation report would have a material financial effect on any of your financial interests.

Based on the foregoing, we have closed our investigation against you in this matter.

If you have any questions regarding this matter, please feel free to contact me at 916-323-6421.

Sincerely,

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Marcos Coronel, Sworn Complainant.