



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

March 29, 2022

Kyle Alkire
[REDACTED]

Antonio “Tony” Gastelum
[REDACTED]
[REDACTED]

Warning Letter: FPPC Nos. 17/385 and 17/1000; Tony Gastelum for Fresno County Supervisor District 3 2016; Friends of Tony Gastelum for Fresno County Supervisor Dist. 3 2016; Tony Gastelum for Fresno City Council District 5; Tony Gastelum; and Kyle Alkire

Dear Antonio “Tony” Gastelum and Kyle Alkire:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to referrals from the Fresno County Clerk. The Enforcement Division found that as a result of Antonio “Tony” Gastelum’s (“Gastelum”) candidacy in 2016, and position as a Board Member of the Valley Arts & Sciences Academy Charter School (“VASA”), the Act required you to periodically file campaign statements and Statements of Economic Interests (“SEI”).

The Act requires candidate-controlled committees to file two pre-election campaign statements prior to the applicable election, and semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The obligation to file campaign statements continues until the candidate or treasurer terminates the committee. The Act states that controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.³

The Act further requires every state and local agency to develop a Conflict of Interest Code.⁴ This Code requires individuals who participate in making decisions which may foreseeably have a material financial effect on any financial interest belonging to that person to disclose all reportable

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 84200 and 84200.5.

³ Sections 83116.5 and 91006.

⁴ Section 87300.

interests on SEIs.⁵ Individuals required to file SEIs must file within 30 days of assuming office, annually thereafter at the time specified by the Code, and within 30 days of leaving office.⁶

Gastelum was an unsuccessful candidate for the Fresno County Board of Supervisors in the June 7, 2016 Primary Election. Tony Gastelum for Fresno County Supervisor District 3 2016 (“Supervisor Committee”), and Friends of Tony Gastelum for Fresno County Supervisor District 3 2016 (“Friends Committee”), were Gastelum’s candidate-controlled committees. Gastelum was also an unsuccessful candidate for Fresno City Council in the November 8, 2016 General Election. Tony Gastelum for Fresno City Council District 5 (“City Council Committee”) was the candidate-controlled committee. Kyle Alkire (“Alkire”) was the treasurer for all three committees. Gastelum was also subject to the Act as a Board Member of VASA.

Gastelum and Alkire violated the Act by failing to timely file two preelection campaign statements and three semiannual campaign statements spanning the reporting periods of July 1, 2016 to December 31, 2017 for the Supervisor and the Friends Committees. Gastelum and Alkire also violated the Act by failing to timely file a preelection campaign statement and three semiannual campaign statements spanning the reporting periods of September 25, 2016 to December 31, 2017 for the City Council Committee. Gastelum further violated the Act by failing to timely file an Annual 2016 SEI and a Leaving Office SEI by the specified deadline. But since Gastelum is no longer in the Board Member position, was an unsuccessful candidate for both elections in 2016, and neither Respondent has a history of a prior violation of the Act, the Enforcement Division has decided to close your case with this warning letter.

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.

Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file all outstanding SEIs and pay any late filing fees assessed by your filing officer. Please contact your filing officer, for further information about your required filings. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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.

⁵ Section 87302, subd. (b).

⁶ *Ibid.*

If you have any questions regarding this letter, please contact me at mvanarsdale@fppc.ca.gov.

Sincerely,

Megan A. Van Arsdale

Megan A. Van Arsdale

Commission Counsel, Enforcement Division