



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

February 2, 2023

Fred Shorett
[REDACTED]

Re: Warning Letter: FPPC No. 2022-00458, In the Matter of Fred Shorett

Dear Fred Shorett:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the City of San Bernardino’s Pay to Play Restrictions. The Enforcement Division has determined that you, in your capacity as a city councilmember for the City of San Bernardino (hereafter “City”), have violated the City’s Pay-to-Play Restriction when you failed to disclose that you had accepted contributions from the San Manuel Band of Mission Indians (hereafter referred to as “Party”) when approving a contract between the Party and the City.

The City’s Pay-to-Play Restrictions prohibit an elected official from accepting, soliciting, or directing a contribution of more than \$250 from any party, or their agent, or from any participant, or their agent, while a proceeding involving a license, permit, contract, or entitlement for use is pending before the City and for three months following the date a final decision is rendered. In addition, prior to rendering any decision in a proceeding involving a license, permit, contract, or entitlement for use pending before the City, each elected official who received a contribution since their last campaign statement in an amount of more than \$250 from a party or from any participant shall disclose that fact on the record of the proceeding.

Your candidate-controlled committee, Fred Shorett for City Council 2022, reported receipt of two contributions from the Party on September 7, 2021. These contributions were disclosed on the campaign statement for the reporting period of July 1, 2021 through December 31, 2021, filed on January 31, 2022. On December 15, 2021, the City Council considered an agenda item named, San Manuel Band of Mission Indians Grant Acceptance. You were required to disclose the September 7, 2021 contribution prior to voting on the agenda item involving the Party.

However, as the facts in this matter occurred close in time to the adoption of the Pay-to-Play Restrictions and the proceeding at issue was the City accepting a grant from the Party, the Enforcement Division has determined to close this matter 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.

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.

Even though we are closing our file in the matter, please be advised of the local Pay-to-Play Restriction and the recently amended Section of the Political Reform Act Section 84308. As a member of the city council, you are now subject to the state's pay-to-play restrictions. If you need guidance regarding the Act, contact the Commission's Advice team by calling 1-866-275-3772 or sending an email to advice@fppc.ca.gov. There is also information pertaining to Section 84308 available on the Commission's website, www.fppc.ca.gov.

Please do not hesitate to call if you have any questions.

Sincerely,

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division