



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

November 30, 2022

City of Vacaville
Melinda Stewart, City Attorney
Via email: Melinda.Stewart@cityofvacaville.com

Warning Letter: FPPC No. 2022-00920, City of Vacaville

Dear Ms. Stewart:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint filed against you alleging that you violated the public access requirements of the Act. The complaint alleges that a request was made to review the Statements of Economic Interests (Form 700) filed by City staff, but the City failed to timely provide access to the statements upon request.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the requests to review the Form 700s were made on September 12, 2022 and September 14, 2022, and the City acknowledged the request and provided some of the items on September 15, 2022. The City provided the remaining items on September 21, 2022 and October 12, 2022.

The Act provides that every report and statement filed pursuant to the provisions of the Act is a public record available for public inspection and reproduction during regular business hours.² Specifically, the Act provides that production of these items should commence as soon as practicable and *no later than the second business day after the item was received*.³

The District’s actions violated the Act because it failed to provide the requested Form 700s within two business days of the September 12, 2022 and September 14, 2022 requests. However, you have since explained that the Form 700s filed by City staff with the FPPC are also available electronically for public review via a link on the City’s website. Additionally, you explained that the requestor submitted eleven requests, and for ten of them, staff from the City Clerk’s Office needed to search for and gather hard copies in three separate locations. Additionally, you have now provided the available Form 700s to the requestor. Given these mitigating factors, and because you have no prior Enforcement history, we are closing our file on this matter.

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.

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 Section 81008.

³ *Ibid.*

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.

If you have any questions regarding this letter, please contact Amber Rodriguez at arodriguez@fppc.ca.gov or (916) 322-1198.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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