



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

July 24, 2023

James Sutton
O/B/O Eileen Odwak
Via Email: jsutton@campaignlawyers.com

Warning Letter: FPPC No. 2020-00211; Eileen Odwak

Dear James Sutton:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a Commission-initiated case which investigated if your client, Eileen Odwak, as the Assistant Treasurer with the Metropolitan Water District of Southern California (“MWD”), violated the Act’s conflict of interest provisions. While the Enforcement Division found insufficient evidence of a conflict of interest, the Enforcement Division found a violation of failing to timely disclose stock in AmeriGas Partners, in the amount of between \$10,000 to \$100,000, on Odwak’s Leaving Office Statement of Economic Interests (“SEI”).

The Act requires every state and local agency to develop a Conflict of Interest Code. These codes must designate those officials who participate in making decisions which may foreseeably have a material financial effect on any financial interest belonging to that official and require those designated officials to disclose all reportable interests on SEIs.² The requirements of an agency’s Conflict of Interest Code have the force of law, and any violation of those requirements is deemed a violation of the Act.³

The MWD’s Conflict of Interest Code identifies the position of Assistant Treasurer as a Section 87200 filer, a public official who manages public investments. Section 87200 of the Act requires a public official who manages public investments to disclose reportable interests, including an investment in a business entity of \$2,000 or more.⁴

Your client’s actions violated the Act by failing to disclose stock in AmeriGas Partners, in the amount of between \$10,000 to \$100,000, on their Leaving Office SEI. Because your client is no longer in office and has not had a prior violation of this section, the Enforcement Division has decided to close this case with this warning letter rather than a fine. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within

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 87302, subd. (a).

³ Section 87300.

⁴ Section 87206.

their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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.

If you have any questions regarding this letter, please contact me at (916) 324-8787 or Bcastillo@fppc.ca.gov.

Sincerely,

Bridgette Castillo

Bridgette Castillo, Senior Commission Counsel
Enforcement Division

⁵<https://www.fppc.ca.gov/content/dam/fppc/NSDocuments/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ See Regulation 18361.5, subd. (e)(3).