



July 24, 2023

Richard Boyd
[REDACTED]

Warning Letter: FPPC No. 2019-01356 Richard Boyd

Dear Richard Boyd:

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 Commission-initiated complaint regarding potential conflicts of interests when overseeing oil and gas permits in the position as Program Supervising Oil and Gas Engineer under the Division of Oil, Gas and Geothermal Resources Underground Gas Storage & Emerging Technologies Program Development for the Department of Conservation (“DOC”). While the Enforcement Division found insufficient evidence of a conflict of interest, the Enforcement Division found violations of Statement of Economic Interests (“SEI”) disclosure provisions by failing to timely disclose certain interests on your 2018 Annual SEI and failing to file a Leaving Office SEI. The Enforcement Division has completed its investigation and review of the case and determined that you failed to properly disclose certain investments on your 2018 Annual SEI and failed to file a Leaving Office SEI.

Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest Code. 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 interests on SEIs.² The DOC Conflict of Interest Code requires, in part, Supervising Oil and Gas Engineers to disclose all investments.³ Under the Act, investment includes common stock and preferred stock with a fair market value that equals or exceeds \$2,000.⁴ 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.⁵

Your actions violated the Act by failing to properly disclose the stock ownership in Suncor Energy in the amount of \$4,052 and Diamondback Energy Inc. in the amount of \$7,259 on your 2018 Annual SEI and failure to file a Leaving Office SEI. Because you are no longer in office and you have not had a prior violation of this section, the Enforcement Division has decided to close your 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,

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. (b).

³ DOC Conflict of Interest Code.

⁴ Section 82034.

⁵ Section 87302, subd. (b).

2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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

⁶<https://www.fppc.ca.gov/content/dam/fppc/NSDocuments/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subd. (e)(3).