



September 15, 2023

Tom Wheeler
Former Supervisor, County of Madera
[REDACTED]

Warning Letter re: FPPC No. 2023-00178, Tom Wheeler

Dear Tom Wheeler,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act¹ (the "Act"). As you are aware, the Enforcement Division received a complaint alleging that you violated the conflict of interest provisions of the Act. The Enforcement Division did not pursue the conflict of interest allegations, however, we found that certain economic interests were not timely or properly disclosed on your Statements of Economic Interests (SEIs). Specifically, we found that while you disclosed your partnership in Munk and Wheeler (M&W) Partners on your SEIs, the street address or Assessor's Parcel Number (APN) was not included. Additionally, the Enforcement Division found that the subject property was sold in 2022, but the buyer/source of income was not timely disclosed on your 2022 Annual SEI.

Government Code Section 87200 of the Act requires certain public officials to file SEIs at specified times to disclose their reportable economic interests. Individuals holding positions specified in Section 87200, including County Supervisors, must file an SEI within 30 days of assuming office, annually thereafter by April 1, and within 30 days of leaving office.² The SEI must include investments and interests in real property held, and income received, during the period covered by the SEI.³

You violated the Act by failing to timely disclose the street address or APN for M&W Partners on your 2017, 2018, 2019, 2020, 2021, and 2022 Annual SEIs. Additionally, you failed to timely disclose the buyer of the subject property as a source of income on your 2022 Annual SEI.

However, for the following reasons we are closing this matter with a warning letter rather than a fine: You have since filed amendments to correct the applicable SEIs, you no longer serve as a

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 87202, 87203, and 87204; Regulation 18723.

³ Sections 87202, 87203, and 87204.

County Supervisor, you have filed all required SEIs, and you have no recent history of violating the Act.

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 questions regarding this letter, please contact Tara Stock at (916) 322-8241 or tstock@fppc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "James M. Lindsay".

James M. Lindsay, Chief
Enforcement Division

JML:ts