



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

July 11, 2023

Brigitte Davila for City College Board 2014

Davila for San Francisco Democratic County Central Committee 2016

Brigitte Davila

[REDACTED]

Via Email: [REDACTED] davila@sfsu.edu

Nadia Bick (formerly Nadia Conrad)

[REDACTED]

Warning Letter Re: FPPC Case Nos. 2018-01119 and 2019-00997; Brigitte Davila, Brigitte Davila for City College Board 2014, Davila for San Francisco Democratic County Central Committee 2016, and Nadia Conrad

Dear Respondents:

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 sworn complaint alleging Brigitte Davila for City College Board 2014 (the “2014 Committee”) and Davila for San Francisco Democratic County Central Committee 2016 (the “2016 Committee”) failed to timely file certain campaign statements. Additionally, the sworn complaint alleged that Brigitte Davila (“Davila”), as a member of the Board of Trustees for the San Francisco Community College District, failed to timely file certain Statements of Economic Interests (“SEI”).

The Enforcement Division has completed its review of the matter and determined that the 2014 Committee² and 2016 Committee³ failed to timely file certain pre-election and semi-annual campaign statements and that Davila failed to timely file certain SEIs.

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 Nadia Conrad initially served as the 2014 Committee’s treasurer until October 11, 2018. Brigitte Davila has served as the 2014 Committee’s treasurer since October 11, 2018.

³ Nadia Conrad initially served as the 2016 Committee’s treasurer until October 11, 2018. Brigitte Davila has served as the 2016 Committee’s treasurer since October 11, 2018.

The Act requires a recipient committee to file a statement of organization within 10 days after the committee has qualified as a committee to report the committee's date of qualification.⁴ If there is a change in any of the information contained in a statement of organization, an amendment must be filed within 10 days to reflect the change.⁵

The Act requires candidate-controlled committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.⁶ In addition to semi-annual campaign statements, all candidates appearing on the ballot to be voted on at the next election, and their controlled committees, must file two pre-election campaign statements no later than 40 days before the election for the period ending 45 days before the election, and no later than 12 days before the election for the period ending 17 days before the election.⁷ A candidate and treasurer may be held jointly and severally liable with the committee for violations committed by the committee.⁸

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.⁹ 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.¹⁰

Both the 2014 Committee and the 2016 Committee violated the Act by failing to timely file four pre-election campaign statements and six semi-annual campaign statements for certain reporting periods occurring between January 1, 2016 and June 30, 2020.¹¹ Additionally, the 2016 Committee violated the Act by failing to timely file an amendment to its statement of organization to disclose its date of qualification.¹² Finally, Davila, as a member of the Board of Trustees for the San Francisco Community College District, violated the Act by failing to timely file the Assuming Office,¹³ 2015 Annual, 2016 Annual, and 2017 Annual SEIs.

Despite these violations, the Enforcement Division has determined that further enforcement action is not warranted as there are several mitigating factors present in this case.

⁴ Section 84101.

⁵ Section 84103.

⁶ Section 84200.

⁷ Sections 84200.5 and 84200.8.

⁸ Sections 83116.5 and 91006.

⁹ Section 87302, subd. (b).

¹⁰ *Id.*

¹¹ An administrative action for a violation of the Act has a five-year statute of limitations. In this matter, a probable cause report was served on Respondents on or around October 24, 2020 and February 13, 2021, effectively tolling the statute of limitations. (See Sections 91000.5 and 83115.5.)

¹² *Id.*

¹³ The applicable statute of limitations for this violation has expired. The remaining violations for Davila's failure to timely file SEIs was tolled on or around October 24, 2020.

The San Francisco Ethics Commission issued an informal warning to the 2014 Committee for its failure to timely file semi-annual campaign statements due January 31, 2020, July 31, 2020, February 1, 2021, and August 2, 2021. While the 2014 Committee and 2016 Committee each failed to timely file four pre-election campaign statements, each were filed prior to the relevant elections, aside from one which had no campaign activity to disclose. The late-filed semi-annual campaign statements disclosed minimal campaign activity for the relevant reporting periods. Throughout their existence, the 2014 Committee raised and spent less than \$6,700 and the 2016 Committee raised and spent less than \$4,800. Davila has since filed the outstanding SEIs. On October 12, 2021, the San Francisco Ethics Commission approved a streamline stipulation for Davila's failure to timely file the Assuming Office, 2015 Annual, 2016 Annual, and 2017 Annual SEIs, with a total penalty of \$2,000.¹⁴ Further, the violations resulted in minimal public harm, there was no evidence of an intent to conceal the violations, and Respondents do not have a prior enforcement history. 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 their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.¹⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹⁶ Additionally, discretion was used for violations that caused minimal public harm when the total penalty met or exceeded the total amount raised or spent by the filer, each of the committees raised and spent less than \$10,000, and lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm.¹⁷ This resolution may not be used as a comparable case for other enforcement matters.¹⁸

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 yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within 10 days from the date of this letter. Upon this

¹⁴ SFEC Complaint Nos. 1819-034/035 and 2122-012.

¹⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹⁶ Regulations 18360.1 and 18360.3.

¹⁷ Regulation 18360.2.

¹⁸ See Regulation 18361.5, subd. (e)(3).

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 10 days from the date of this letter.

If you need forms or a manual, or guidance regarding their obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. Please feel free to contact me at JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Derek Jansen [REDACTED]