



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

March 28, 2023

R.A. Drew Esquer
City of Sanger
c/o Planning Commission Chair
1700 7th Street
Sanger, CA 93657
[REDACTED]

Re: Warning Letter: FPPC No. 2019-00301, R.A. Drew Esquer

Dear Respondent Esquer:

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 referral from the FPPC’s Statements of Economic Interests (“SEI”) Unit. The Enforcement Division found that as a result of your position as Planning Commission Chair for the City of Sanger, the Act required you to periodically file a SEI and that you failed to timely file your annual SEI for the years of 2017, 2018, 2019, and 2021. Additionally, the SEI Unit requested you file an amendment for your 2020 Annual SEI for failing to disclose the source of income for your spouse.

Section 87200 of the Act requires certain public officials to disclose reportable interests. Every person enumerated within Section 87200 must file an SEI within 30 days of assuming office, annually thereafter at the time specified by Commission regulations, and within 30 days of leaving office. When reporting income, including income for your spouse, on Schedule C of the SEI, specific information is required to be disclosed, including the name and address of each source of income aggregating \$500 or more, a range of the amount received (e.g., \$10,001 - \$100,000), and a general description of the business activity, if any, of each source.²

Your actions violated the Act by failing to timely file your annual SEI for the years of 2017,³ 2018, 2019, and 2021 by the specified deadlines. Additionally, although you disclosed income for your spouse, you failed to include the the name, address and general description of the business activity of the source of your spouse’s income as required under the Act. However, the Enforcement Division has determined that mitigating circumstances are present here: you timely filed the 2020 Annual SEI, and you have no 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

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 87207.

³ Under Section 91000.5, the statute of limitations for the 2017 Annual SEI violation expires on April 2, 2023.

this case with this warning letter.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ This resolution may not be used as a comparable case for other enforcement matters.⁶

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.

Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file all outstanding SEIs and pay any late filing fees assessed by your filing officer. Please contact your filing officer, Cyndi Glaser, at cglaser@fppc.ca.gov for further information about your required filings. Please note that any future non-filings will be brought to our attention and may result in monetary penalties. This warning letter may be considered should a future enforcement action become necessary.

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 David E. Castro at (866) 275-3772 or dcastro@fppc.ca.gov.

Sincerely,

David E. Castro

David E. Castro, Commission Counsel
Enforcement Division

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulation 18360.1.

⁶ See Regulation 18361.5, subdivision (e)(3).