



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

April 26, 2023

Joseph Nicolas
[REDACTED]

Warning Letter re: FPPC No. 2019-01691; Joseph Nicolas

Dear Joseph Nicolas:

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 City of Santa Rosa. The Enforcement Division found that as a result of your position as a Planning and Economic Development Consultant, the Act required you to periodically file SEIs and that you failed to timely file your Assuming Office, 2018 Annual SEI, and 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 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.³

Your actions violated the Act because you failed to timely file your Assuming Office SEI by the March 31, 2017 deadline⁴ and your 2018 Annual/Leaving Office SEI by the April 1, 2019 deadline. However, because you left the position more than four years ago, you have since filed all outstanding SEIs, and you have no prior Enforcement history, the Enforcement Division is closing your case with a warning letter rather than a fine.

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 at cityclerk@srcity.org, for further information about your required filings. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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 *Ibid.*

⁴ The violation for the Assuming Office SEI is past the 5-year statute of limitations and is not subject to this warning letter.

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 Shaina Elkin at selkin@fppc.ca.gov.

Sincerely,

Christopher B. Burton

Christopher B. Burton, Acting Chief
Enforcement Division

CBB: se