



June 12, 2023

Erik Chapman



Warning Letter re: FPPC No. 2019-00911; Erik Chapman

Dear Erik Chapman:

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 County of San Diego. The Enforcement Division found that as a result of your position as a Board Member for the Twin Oaks Valley Community Sponsor Group, the Act required you to periodically file SEIs and that you failed to timely file your 2016 Annual, 2017 Annual, and Leaving Office SEIs.

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 Regulation 18723, subsection (e) states that if a person reports for military service, the deadline to file the Annual SEI is 30 days following his or her return to office.

Your actions violated the Act because you failed to timely file your 2016 Annual SEI by the April 3, 2017 deadline, your 2017 Annual SEI within 30 days of returning from military service,⁴ and your Leaving Office SEI by the January 16, 2019 deadline. However, because you left the position more than four years ago 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.

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 violations for the 2016 and 2017 Annuals are past the 5-year statute of limitations and are not subject to this warning letter.

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 Brian Andrade at Brian.Andrade@sdcounty.ca.gov, 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.

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