



November 3, 2023

Kerri Howell



Warning Letter: FPPC No. 2021-00074, Kerri Howell

Dear Kerri Howell:

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 referral from the FPPC’s Statements of Economic Interests (“SEI”) Unit. The Enforcement Division has completed its review and found that, as a result of your positions as a member of the Folsom City Council, Board Member for Sacramento-Placerville Transportation Authority, and Alternate Board of Directors for Elk Grove-Rancho Cordova-El Dorado Connector, the Act required you to periodically file SEIs. The Enforcement Division found that that you failed to timely file your 2019 Annual SEI, 2020 Annual SEI, 2022 Annual SEI and Leaving Office SEI by the applicable due dates.

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. 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 by failing to file your 2019 Annual SEI, 2020 Annual SEI, 2022 Annual SEI and Leaving Office SEI by the specified deadlines. However, you are no longer in these positions and you do not have an 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

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 87302, subd. (a).

³ Section 87302, subd. (b).

closing 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 the 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. 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 me at jrivera@fppc.ca.gov or (916) 738-6411.

Sincerely,

Jonathan Rivera

Jonathan Rivera,
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 Regulations 18360.1 and 18360.3.

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