



December 12, 2023

Kyle Crowther
[REDACTED]

Warning Letter re: FPPC Case No. 2022-00338; Kyle Crowther

Dear Kyle Crowther:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received a complaint alleging that you, as a member of the West Valley Water District (“WVWD”) Board of Directors, failed to timely disclose the receipt of gifts on your 2018 Annual Statements of Economic Interests (“SEI”) and potentially participated in governmental decisions in which you had a conflict of interest.

The Enforcement Division has completed its investigation and review of the facts in this case. Specifically, we found that you failed to timely disclose the receipt of a gift valued at \$83 on your 2018 Annual SEI, by the April 1, 2019 due date. The gift was from Robert Tafoya, who served as the WVWD’s General Counsel at the time, for tickets to an Arizona Cardinals football game in September 2018. Further, the Enforcement Division’s investigation confirmed that you did not participate in any governmental decisions in which you had a prohibited conflict of interest.

The Act requires for every public official who manages public investments to file an SEI, by April 1st each year, disclosing investments, interests in real property, and income – including gifts – during the reporting period.² The WVWD’s Conflict of Interest Code designated members of the Board of Directors as a position who manages public investments and so required to file SEIs pursuant to Section 87200.³ The Act outlines the requirements for disclosing gifts received by a public official on a SEI. For each gift aggregating \$50 or more in value from a single source, the SEI must contain the name and address of each source, a general description of the business activity of each source, the value of the gift, and the date on which the gift was received.⁴

You violated the Act by failing to timely disclose the receipt of a gift on your 2018 Annual SEI, by the applicable due date, as discussed above. However, there are several mitigating factors present in this case. You are no longer in your position as a member of the WVWD Board of Directors. The value of the gift received was minimal. Your violations resulted in minimal public harm and you do not have a prior enforcement history.

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 87203 and Regulation 18723, subd. (b)(2).

³ West Valley Water District’s Conflict of Interest Code.

⁴ Section 87207, subds. (a)(1) and (a)(4).

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

If you have any questions regarding this letter, please contact me at JRinehart@fppc.ca.gov or (279) 237-5910.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart
Commission Counsel
Enforcement Division