STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

February 13, 2024

Dominic Foppoli
[redacted]

Warning Letter: FPPC No. 2021-00658, Dominic Foppoli

Dear Dominic Foppoli:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").[1] This case was opened in response to an anonymous complaint alleging violations of the Act's conflicts of interest provisions as mayor of the Town of Windsor.

No public official at any level of state or local government may make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest.[2] A public official has a disqualifying conflict of interest in a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on their financial interests.[3] An official's financial interests include real property in which the official has an interest worth $2,000 or more.[4]

When an official's financial interest is not explicitly involved in a decision, the financial effect of the decision is reasonably foreseeable if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. The effect need not be likely to be reasonably foreseeable.[5]

A decision's reasonably foreseeable financial effect on an official's interest in real property is material if it is of a type described in Regulation 18702.2(a)(7) through (8), (b) or (c), including a decision that involves property located more than 500 feet but less than 1,000 feet from the official's property, and the decision would change the official's property's: development potential; income producing potential; highest and best use; character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or market value.[6]

In this case, you violated the Act's conflicts of interest provisions when you voted on April 17, 2019, February 12, 2020, and June 3, 2020, regarding the Civic Center Project. At the time of the decisions, it was reasonably foreseeable that the project would have a financial effect on your real property. Additionally, the reasonably foreseeable financial effect of the decisions was material because your real property was approximately 629 feet from the proposed site of the Civic Center Project, so the income-producing potential would increase due to the increased number of people in

[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 87100.
[3] Section 87100.
[4] Section 87103, subdivision (b).
[5] Regulation 18701, subdivision (b).
[6] Regulation 18702.2, subdivision (a)(8)(A) through (E).

the area, and likewise, the market value of the property would increase. Also, there would be changes to the character of your property by substantially altering traffic levels, intensity of use, parking, view, privacy, and noise levels.

However, there are mitigating factors present that warrant issuing a warning letter instead of pursuing a penalty. First, the Civic Center Project was abandoned by the Windsor Town Council and the contracted developer before any construction occurred, and to date, the Civic Center Project has not been resumed. Second, you resigned from the position in May 2021 and have not held any public offices since that time. Third, you mistakenly believed that there was no conflict of interest since your real property was more than 500 feet from the development. Fourth, you disclosed your interest in the real property in the applicable Statements of Economic Interests. Fifth, you have no prior Enforcement history for violations of the conflicts of interest provisions of the Act. Therefore, the Enforcement Division has decided to close this case with a warning letter.

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 (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.

Should you have any questions regarding this letter, please feel free to contact me at (916) 322-5771 or abrereton@fppc.ca.gov.

Sincerely,

Angela J. Brereton

Angela J. Brereton
Assistant Chief, Enforcement Division