



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

October 27, 2023

Kerry Motts
[REDACTED]

Warning Letter re: FPPC No. 2020-00903; Kerry Motts

Dear Kerry Motts,

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 FPPC’s Statements of Economic Interests (“SEI”) Unit. The Enforcement Division found that as a result of your position as a Planning Commissioner for the City of Antioch, the Act required you to periodically file a Statement of Economic Interests (“SEI”) and that you failed to timely file your 2019 Annual SEI.

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.

Your actions violated the Act by failing to file your 2019 Annual SEI by the specified deadline. You have since filed your 2019 Annual SEI and subsequent required SEIs, and you have not had a prior violation of this section. 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 closing this case with this warning letter.² Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.³ This resolution may not be used as a comparable case for other enforcement matters.⁴

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.

<https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

³ Regulations 18360.1 and 18360.3.

⁴ See Regulation 18361.5, subdivision (e)(3).

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, 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 Tara Stock at (916) 322-8241 or tstock@fppc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "James M. Lindsay".

James M. Lindsay, Chief
Enforcement Division

JML:ts