



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

August 6, 2024

Wendy Gudalewicz
[REDACTED]

Warning Letter re: FPPC Case No. 2020-00765; Wendy Gudalewicz

Dear Ms. Gudalewicz:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ In September 2020, you contacted the Enforcement Division and self-reported a conflict of interest in violation of Government Code section 1090, in your capacity as then-Superintendent of Orchard School District. Specifically, you advised:

I am self reporting. Our school district, Orchard School District, entered into a contract with my spouse, Arlando Smith. At the time I did not believe it was a conflict as it was made public ad [sic] all knew he was my spouse prior to him providing services. However, in reviewing the conflict of interest information I believe it may have been a violation. My spouse was volunteering with the district. . . .

When we opened the school year 2019-20, we had set aside funds for a group to provide structured play time/PE for our elementary students. The contract could not be completed due to lack of staffing by the agency. Our elementary teachers had requested prep time and still wanted the structured activities. In working with the teacher's association, we decided to pilot prep time and provide the structured activities. My spouse had been working with the team and he said he could provide the activities. The teachers agreed. I notified the Board and we gave him a contract. He provided services from October through March. He invoiced the District beginning in February of 2020. . . .

Additionally, you provided Enforcement with a copy of a memo dated October 3, 2019, from yourself to the Orchard School District Board Members, in which you recommended that your husband should receive the contract noted above.

Our investigation confirms that your husband did receive the contract, which called for services in connection with structured activities (physical games) for students in grades "TK-5th."

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¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2019 and 2020).

Under the contract, your husband was paid \$35,000 (pursuant to five monthly invoices dated January through May 2020).

In this way, you violated the conflict of interest provisions of Government Code sections 1090 and 87100.

However, in mitigation, our investigation confirmed that you fully reimbursed the school district for all of the payments that were made to your husband. Also, as noted above, you self-reported your violations to the Enforcement Division, and you fully cooperated with our investigation. Additionally, you no longer serve as Superintendent of the Orchard Unified School District.

Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.² This resolution may not be used as a comparable case for other enforcement matters.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. 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 need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

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² <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

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

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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