



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

December 9, 2024

Neal Costanzo
Counsel for Eli Ontiveros
Sent via email: neal@costanzolaw.com

Eli Ontiveros
Sent via email: [REDACTED]

Warning Letter: FPPC No. 2021-01121; In the Matter of Eli Ontiveros

Dear Eli Ontiveros:

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 filing officer referrals from the County of Fresno Council of Governments, Fresno County Regional Transportation Mitigation Fee Agency, and Fresno County Rural Transit Agency for your failure to timely file various Statement of Economic Interests (“SEI”) forms.

The Enforcement Division found that due to your position as mayor of the City of Sanger, and a Board Member of the Fresno Council of Governments, Fresno County Regional Transportation Mitigation Fee Agency, Fresno County Rural Transit Agency, and the Upper Kings Basin Integrated Regional Water Management Authority, the Act required you to periodically file various SEIs and that you failed to timely file the following SEIs:

SEI	Agency	Period in Office	Due Date	Filing Date
2019 Annual SEI	City of Sanger	12/3/20 – 12/15/22	6/1/20	7/13/20
Assuming Office SEI	Fresno County Council of Governments	12/17/20 – 12/15/22	1/19/21 ²	1/12/22 ³
Assuming Office SEI	Fresno County Regional Transportation Mitigation Fee Agency	12/17/20 – 12/15/22	1/19/21	1/31/22 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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² 30 days after December 17, 2020 was Saturday, January 16, 2021, so the due date would be the next business day. Monday, January 18, 2021 was a federal holiday, however, so the due date was Tuesday, January 19, 2021.

³ The filing officer for the Fresno County Council of Governments is the County of Fresno, Clerk of the Board of Supervisors. Therefore, Ontiveros had a duty to file this Assuming Office SEI there. Instead, Ontiveros filed the SEI with the Sanger City Clerk’s Office on February 12, 2021, and with the County of Fresno Clerk of the Board of Supervisors on January 12, 2022, and January 31, 2022.

⁴ The filing officer for the Fresno County Regional Transportation Mitigation Fee Agency is the County of Fresno, Clerk of the Board of Supervisors. Therefore, Ontiveros had a duty to file this Assuming Office SEI there. Instead,

Assuming Office SEI	Fresno County Rural Transit Agency	12/17/20 – 12/15/22	1/19/21	1/12/22
Assuming Office SEI	Upper Kings Basin Integrated Regional Water Management Authority	12/17/20 – 12/15/22	1/19/21	Not filed
2021 Annual SEI	Fresno County Council of Governments	12/17/20 – 12/15/22	4/1/22	4/14/22
2021 Annual SEI	Fresno County Regional Transportation Mitigation Fee Agency	12/17/20 – 12/15/22	4/1/22	4/14/22
2021 Annual SEI	Fresno County Rural Transit Agency	12/17/20 – 12/15/22	4/1/22	4/14/22
2021 Annual SEI	Upper Kings Basin Integrated Regional Water Management Authority	12/17/20 – 12/15/22	4/1/22	Not filed
Leaving Office SEI	Fresno County Council of Governments	12/17/20 – 12/15/22	1/17/23 ⁵	1/25/23
Leaving Office SEI	Fresno County Regional Transportation Mitigation Fee Agency	12/17/20 – 12/15/22	1/17/23	2/8/23
Leaving Office SEI	Fresno County Rural Transit Agency	12/17/20 – 12/15/22	1/17/23	Not filed ⁶
Leaving Office SEI	Upper Kings Basin Integrated Regional Water Management Authority	12/17/20 – 12/15/22	1/17/23	Not filed ⁷

Section 87200 identifies city council members and mayors as public officials who manage public investments required to file SEIs periodically to disclose all reportable interests in their investments, real property, and income received during the 12 months before assuming office on their SEI within 30 days of assuming office (“Assuming Office SEI”),⁸ annually each year they are in office, by April 1 of each year (“Annual SEI”),^{9,10} and within 30 days after leaving office (“Leaving Office SEI”).¹¹ When April 1 falls on a weekend or holiday, the filing deadline is extended to the next regular business day.¹² The filing officer for these city positions at the City of

Ontiveros filed the SEI with the Sanger City Clerk’s Office on February 12, 2021, and with the County of Fresno Clerk of the Board of Supervisors on January 31, 2022.

⁵ 30 days after December 15, 2022 was Saturday, January 14, 2023, so the due date would be the next business day. However, Monday, January 16, 2023, was a federal holiday, so the due date was Tuesday, January 17, 2023.

⁶ The filing officer for the Fresno County Rural Transit Agency is the County of Fresno, Clerk of the Board of Supervisors. Therefore, Ontiveros had a duty to file this Leaving Office SEI there. Instead, Ontiveros filed the SEI with the Sanger City Clerk’s Office on January 12, 2023.

⁷ The filing officer for the Upper Kings Basin Integrated Regional Water Management Authority is the Upper Kings Basin Integrated Regional Water Management Authority. Therefore, Ontiveros had a duty to file this Leaving Office SEI there. Instead, Ontiveros filed the SEI with the Sanger City Clerk’s Office on January 12, 2023.

⁸ Sections 87200 and 87202.

⁹ Sections 87200 and 87203; Regulation 18723, subd. (b)(2).

¹⁰ The filing due date for the 2019 Annual SEI was extended 60 days, from April 1, 2020 to June 1, 2020. Regulation 18720 (repealed 2020).

¹¹ Section 87200 and 87204.

¹² Regulation 18116, subd. (a).

Sanger is the City's Clerk's Office.¹³ Failure to comply with the disclosure requirements is a violation of the Act.¹⁴

Public officials not specified in Section 87200 are governed by Regulation 18730. The Act requires every state and local agency to develop a Conflict of Interest Code.¹⁵ These codes must designate those officials who participate in making decisions that may foreseeably have a material financial effect on any financial interest belonging to that official to disclose all reportable interests on SEIs.¹⁶ The requirements of an agency's Conflict of Interest Code have the force of law, and any violation of those requirements is deemed a violation of the Act.¹⁷

Regulation 18730 states that all persons assuming designated positions shall file statements within 30 days of assuming the designated positions,¹⁸ annually, no later than April 1,¹⁹ and within 30 days after leaving office.²⁰ Any person who violates any provision of the Act is liable for administrative penalties up to \$5,000 per violation.²¹

Regulation 18723.1 allows a public official holding multiple positions subject to reporting requirements to file a single expanded SEI statement instead of separate and distinct statements for each position. An expanded statement shall disclose all reportable interests for all jurisdictions and list all positions for which it is filed.²² Of the multiple positions subject to reporting requirements, the primary position is specified in Section 87200.²³ A copy of the expanded statement must be filed with each filing officer to which the statement is due.²⁴ If filed in a paper format, the expanded statement submitted for the primary positions shall be signed under penalty of perjury and verified by the filer pursuant to Section 81400(a), and the filer shall file a copy of that signed expanded statement for each additional position.²⁵ An official who holds multiple positions subject to reporting requirements is not required to file an expanded statement and may instead fulfill those reporting requirements by submitting separate statements for each position with the proper filing officer.²⁶

Your actions violated the Act by failing to timely file a 2019 Annual SEI, four Assuming Office SEIs, four 2021 Annual SEIs, and four Leaving Office SEIs as shown above. However, since you no longer hold these positions, and do not have a history of violating the Act, we are closing your case with this warning letter rather than a fine.

¹³ Section 87500, subd. (f).

¹⁴ Section 87200.

¹⁵ Section 87300.

¹⁶ Section 87302, subd. (a).

¹⁷ Section 87300.

¹⁸ Regulation 18730, subd. (b)(5)(B).

¹⁹ Regulation 18730, subd. (b)(5)(C).

²⁰ Regulation 18730, subd. (b)(5)(D).

²¹ Sections 83116 and 83116.5.

²² Regulation 18723.1, subd. (a)(1).

²³ Regulation 18723.1, subd. (a)(2)(B).

²⁴ Regulation 18723.1, subd. (c).

²⁵ Regulation 18723.1, subd. (c)(1).

²⁶ Regulation 18723.1, subd. (d).

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.

If you have any questions regarding this letter, please contact me at (279)237-5978, or via e-mail at cbernabe@fppc.ca.gov.

Sincerely,

Cynthia Bernabé

Cynthia Bernabé
Commission Counsel
Enforcement Division