



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

December 5, 2024

City of Fountain Valley
c/o Rick Miller
Via email: Rick.Miller@fountainvalley.gov

Warning Letter Re: FPPC Case No. 2023-00681; City of Fountain Valley

Dear City of Fountain Valley:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to an anonymous complaint alleging that the City of Fountain Valley (the “City”) violated filing officer duties of the Act. The complaint alleges that the Fountain Valley City Clerk failed to timely post three Agency Report of Public Official Appointments (“Form 806”) on their website. The Enforcement Division has completed its review and found that the City failed to upload three Form 806s on their website by the required date.

The Act requires local government agencies to post on its internet website a copy of any statement, report, or other document required by the Act that is filed with that agency in paper form.² Each agency must post on its website a single Form 806 which lists all the paid appointed positions to which an official will vote to appoint themselves. The form must be posted prior to a vote (or consent item) to appoint a governing board member if the appointment results in additional compensation to the appointee.³

The City violated the Act because it failed to upload three Form 806s on their website prior to the applicable votes. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because the violation resulted in relatively low public harm, there was no evidence of an intent to violate the Act or conceal the violation, and the City has no prior enforcement history involving the same violation.

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.

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 84616(a).

³ Regulation 18702.5.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulations 18360.1 and 18360.2 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 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 10 days from the date of this letter.

Please be advised of the provisions in the Act and regulations regarding filing officer duties. If you need additional guidance, you may contact the Commission's Advice team by sending an email to advice@fppc.ca.gov. You can also review our advice page on our website at www.fppc.ca.gov/advice for more information.

Should you have any questions regarding this letter, please feel free to contact me at jrivera@fppc.ca.gov or (279) 237-5913.

Sincerely,

Jonathan Rivera

Jonathan Rivera
Commission Counsel
Enforcement Division