



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

June 14, 2024

San Joaquin River Conservancy

Attn: Kari Daniska and Ashley Bybee

Via email: Kari.Daniska@sjrc.ca.gov and Ashley.Bybee@sjrc.ca.gov

Warning Letter: FPPC No. 2024-00494; San Joaquin River Conservancy

Dear San Joaquin River Conservancy:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a referral from the Commission’s Legal Division regarding the San Joaquin River Conservancy (the “Conservancy’s”) failure to submit a completed 2023 Biennial Notice to reflect whether or not the Conservancy’s Conflict of Interest Code is current and accurate.

The Act requires state agencies to adopt a Conflict of Interest Code, which identifies all agency officials and employees who make or participate in making governmental decisions.² A state agency is required to review its Conflict of Interest Code *each odd-numbered year* and, if amendments are necessitated by changed circumstances, submit an amended Conflict of Interest Code to the code reviewing body.³ If no change is required, the agency head must submit a written statement to that effect to the code reviewing body no later than March 1 of the same year.⁴ The code reviewing body for state agencies is the Commission.⁵

The Conservancy’s actions violated the Act because the Conservancy failed to timely submit the 2023 Biennial Notice to the Commission by the March 1, 2023 deadline. However, since the Conservancy submitted the 2023 Biennial Notice after Enforcement contact and the Conservancy has no prior history of violating the Act, the Enforcement Division has decided to close this matter with this 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.

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 87300.

³ Section 87306, subd. (b).

⁴ *Id.*

⁵ Section 82011, subd. (a).

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) 237-5913 or jrivera@fppc.ca.gov.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division

cc: FPPC Legal Division bcisneros@fppc.ca.gov