



July 3, 2025

Councilmember Richard Herrick
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No Action Closure Letter re: FPPC Case No. 2024-01281; Richard Herrick

Dear Mr. Herrick:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ This case arises from a sworn complaint against you in your capacities as Councilmember for the City of Big Bear Lake—and as a member of the governing board for the Big Bear Area Regional Wastewater Agency. The complaint includes allegations about conflict of interest on your part with respect to a project known as “Replenish Big Bear,” given that you own a home near the lake.

Typically, a conflict of interest involves a material financial effect on a public official’s interest, but if the material financial effect is indistinguishable from its effect on the public generally, then there is no conflict of interest. This general rule is set forth in Regulation 18700, subdivision (d)(3). Also, Regulation 18703, subdivisions (a) and (b), provides:

(a) General Rule. A governmental decision's financial effect on a public official's financial interest is indistinguishable from its effect on the public generally if the official establishes that a significant segment of the public is affected and the effect on the official's financial interest is not unique compared to the effect on the significant segment.

(b) A significant segment of the public is:

(1) At least 25 percent of:

(A) All businesses or non-profit entities within the official's jurisdiction;

(B) All real property, commercial real property, or residential real property within the official's jurisdiction; or

(C) All individuals within the official's jurisdiction.

(2) At least 15 percent of residential real property within the official's jurisdiction if the only interest an official has in the governmental decision is the official's primary residence.

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.

Based on our investigation, it appears likely that the public generally exception applies in this case, given the large percentage of homes that are situated near the lake in the City of Big Bear Lake. As such, there is insufficient evidence to support a finding that you violated the Act, and we are closing this case without further action.

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

Very truly yours,

Neal P. Bucknell

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cc: Joseph Kelly (sworn complainant)