



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95811-2329
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September 25, 2013

San Diego County Office of Education
c/o Pam Gilles, Senior Director, Internal Business Services

REDACTED

Warning Letter Re: FPPC Case No. 11/006; San Diego County Office of Education

Dear Ms. Gilles:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a pro-active investigation concerning the San Diego County Office of Education's (the "SDCOE") failure to report gifts of travel received in 2008.

The Act provides that agencies must disclose the receipt of gifts valued at \$50 or more on the filing officer's website within 30 days of receiving the gift. (Regulation 18944, subd. (f).) A gift is made to an agency, rather than to an employee of the agency, when the agency head, or his or her designee, determines and controls the agency's use of the payment, the donor does not earmark the payment for a specific employee, the employee who makes the determination is not the one to use the payment, and the payment is used for official agency business. (Regulation 18944, subdivision (c).)

The FPPC has completed its investigation into the facts of this case and found that the SDCOE failed to disclose three reportable gifts to the agency, totaling approximately \$1,300, it received in 2008. Specifically, the SDCOE received funds from vendors to help pay for travel and necessary accommodation expenses that the SDCOE incurred due to sending its employees out-of-town for official agency business related to the particular vendor. In all three instances, the vendor paid the SDCOE prior to the time that SDCOE's Assistant Superintendent of Business Services choose which employee would be required to attend each out-of-town event. The payments were controlled by the SDCOE, and the vendors did not earmark which employee would be required to attend each out-of-town event. Therefore the gifts were to the agency and not to the particular employees whose travel expenses were reimbursed by the SDCOE with funds received from the vendors.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

We have decided to close this case with a warning letter, rather than a fine, because the SDCOE cooperated with our investigation and has updated its procedures so that gifts to the agency are timely disclosed.

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 a FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide SDCOE with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the FPPC. If SDCOE wishes to avail itself of these proceedings by requesting that this 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 FPPC 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 FPPC's website ten (10) days from the date of this letter.

Please feel free to me at 916.327.6357 with any questions you may have regarding this letter.

Sincerely,


REDACTED

Milad Dalju
Commission Counsel
Enforcement Division