

KAUFMAN LEGAL GROUP

A PROFESSIONAL CORPORATION

November 20, 2020

Direct: (916) 498-7715

VIA E-MAIL

Carlos Hagedorn

Re: FPPC Administrative Case 2020-01051

Dear Mr. Hagedorn:

Our firm represented you with regard to the administrative complaint filed against you with the California Fair Political Practices Commission (“FPPC”) Case No. 2020-01051. That complaint, filed by the Napa Unified School District (“District”), made numerous false allegations of conflicts of interest stemming from your service as a District Board Member from 2012 through 2016.

On November 19, 2020 the FPPC closed your case with a warning letter, without even conducting an investigation. A warning letter is the lowest level of case resolution at the FPPC, who normally seeks fines and other penalties against case respondents where they have found violations of the Political Reform Act (“Act”). This is particularly true for serious allegations such as conflicts of interest. Here, the FPPC recognized that your work was for a nonprofit charity and, if an inadvertent error was made, it was of a minor nature. The warning letter resolved all allegations in the complaint and the case is closed.

The District submitted “evidence” and asked the FPPC to “make independent determinations as to whether further investigation or action is warranted.” The evidence submitted related to matters that occurred four to eight years ago, with the vast majority of these matters occurring between 2012 and 2015. The statute of limitations for the pursuit of administrative cases by the FPPC is five years. One has to question why the District would choose to submit a complaint against a former Board Member who has not served on the Board for more than four years for actions that stretch back eight years.

As the FPPC no doubt recognized, the “evidence” submitted relied on untrue speculation to support the alleged conflicts of interest. Most importantly, the evidence submitted speculated that the Legacy Youth Project was a nonprofit corporation. Unfortunately, the FPPC accepted this assertion as the basis for its warning letter. However, the Legacy Youth Project is not, in fact, a nonprofit corporation, but rather it is the name given to a project to assist at-risk youth in

the District. As you are aware, you never received any funding directly from the Legacy Youth Project and never held any business position or other interest that could conceivably give rise to a conflict of interest because the Legacy Youth Project is not an entity, it is a program name. Thus any votes by you providing funding to the Legacy Youth Project, or to individuals who directly participated in the Legacy Youth Project could not have created a conflict of interest.

You did receive funding from the Napa Police Department to serve as an at-risk youth counselor in the Legacy Youth Project. Again, the Legacy Youth Project was simply a name given to a joint project between the Napa Police Department and the District to assist at-risk youth. As a result, you did not have a conflict of interest in votes to fund grants to the Napa Police Department for two reasons.

First, the grants given by the District to the Napa Police Department were to fund School Resource Officers, not the Legacy Youth Project. The District in its complaint letter attempted to tarnish your reputation by stating that funding for the school resource officers was increased in order to divert funding for you to be paid by the Napa Police Department for your work on the Legacy Youth Project. This allegation is patently false and the FPPC rejected it.

Second, your income from the Napa Police Department did not create a conflict of interest under either Government Code Section 87100 or 1090. Government income is excepted from the definition of income under the Act and, thus, does not create a conflict of interest. Further, governmental income is both a non-interest and remote interest exception under Government Code Sections 1091.5 and 1091, respectively.

The District letter went so far as to try to mislead with regard to the “advice” prepared by District legal counsel. This “advice,” which was provided as an Exhibit to the District’s complaint, still had the “draft” watermark in the background of each page of the document. This is because this “advice” was never actually provided. The District submitted it as if it were received and ignored by you. It was not.

One wonders as to the District’s motivation in submitting a complaint about a person who has not served on the District’s Board for four years. On top of this, the District engaged in false speculation about your conduct in an attempt to bolster their complaint. The FPPC resolved the District’s complaint with its lowest possible enforcement resolution, a warning letter, and rejected even conducting an investigation.

This resolves all issues with regard to the case and the matter is closed. Please feel free to contact me if you have any questions.

Carlos Hagedorn
November 20, 2020
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "G. Winuk", written in a cursive style.

Gary S. Winuk

GSW:as