



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 8, 2023

Gerald Allgower  
[REDACTED]

**Warning Letter re: FPPC No. 2023-00096; Gerald Allgower**

Dear Mr. Allgower:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to a sworn complaint alleging that you violated the Act’s conflicts of interest manner of disqualification procedures at the September 7, 2022, September 21, 2022, and October 5, 2022 Yucaipa Planning Commission meetings.

The Enforcement Division has reviewed the facts of this matter and found that, while you recused yourself and left the room at each of the above-referenced Planning Commission meetings, you failed to publicly identify your financial interest that caused you to recuse yourself from participating in the governmental decisions.

The Act provides that when certain public officials, including Planning Commissioners, have a conflict of interest or potential conflict of interest in a governmental decision, they must take the following steps immediately prior to consideration of the matter:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public;
- 2) Recuse themselves from participating in the decision; and
- 3) Leave the room for the duration of the discussion and/or vote on the item.<sup>2</sup>

For each financial interest identified that is real property, the public official is required to provide the address, assessor’s parcel number, or state that the property is the official’s personal residence.<sup>3</sup>

Your actions violated the Act because while you recused yourself from participating in the decisions and left the room, you failed to publicly identify the financial interest that gave rise to the conflicts of interest or potential conflicts of interest in the decisions at the September 7, 2022, September 21, 2022, and October 5, 2022 meetings. However, the Enforcement Division has

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<sup>1</sup> 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 18109 through 18997 of Title 2 of the California Code of Regulations.

<sup>2</sup> Section 87105.

<sup>3</sup> Regulation 18707(a)(1)(A)(ii).

decided to close this case with this warning letter rather than a fine because the public harm was minimal since you recused yourself from the decisions and left the room during the discussions and/or votes. Additionally, you have no prior history of violating the Act.

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 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.

Please feel free to contact Tara Stock at [tstock@fppc.ca.gov](mailto:tstock@fppc.ca.gov) or (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

*Christopher B. Burton*

Christopher B. Burton, Acting Chief  
Enforcement Division

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