

From: Joyce Dillard
Sent: Tuesday, September 11, 2012 4:41 PM
To: Sukhi Brar
Subject: Comments to FPPC Notice18730.1 Gift Regulations due 9.11.2012

You state:

An agency's conflict of interest code shall not require a designated employee to report a gift on his or her statement of economic interests when there is no evidence that the designated employee makes or participates in the type of governmental decisions that would potentially have a financial effect on the source of the gift. For example if a designated employee, acting in his or her official capacity, lacks the capability to provide any advantage to a source of a gift in any decision made by the agency that source should not be required to be reported.

Comments:

Who determines "no evidence"?

Who determines "participates"?

Who determines "governmental decisions"?

Who determines "financial effect"?

In the areas of planning and design or even health or water, a small decision by an employee, not the legislated decision may have substantial impact.

We are now faced with "Advisory" Committees appointed by the Executive branch aka the Mayor. They influence policy though they may not have a vote. If the "Advisory" committee member gave a gift to a designated employee, it would appear benign, but who can determine that it was "bought" influence. These Advisors are usually industry insiders whose companies benefit.

If a developer gave an "Advisory" committee member a gift, it would go unnoticed as there is no Conflict of Interest Code or Statements of Economic Interests. Again, these Advisors are usually industry insiders whose companies benefit.

This language does not reflect the problems we have in today's municipal and state governments where the public is bypassed because an appointment is not legislated. These Public-Private Partnerships will optional compliance as consultants present a much more involved problem and removes the public from any real oversight of influence.

The Private firm intentionally does not disclose and the public is out of luck. That is not the intent of the law.

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