



FAIR POLITICAL PRACTICES COMMISSION
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To: Vice Chair Eskovitz and Commissioners Casher, Wasserman and Wynne
From: Zackery P. Morazzini, General Counsel
Subject: Monthly Report on Legal Division Activities
Date: January 6, 2014

A. OUTREACH AND TRAINING

Nothing since the last report.

B. FINDINGS OF PROBABLE CAUSE

Nothing since the last report.

C. LEGAL ADVICE TOTALS

- ***Email Requests for Advice:*** In November and December, Legal Division attorneys responded to more than 75 email requests for legal advice.
- ***Advice Letters:*** From November 1, 2013 to December 31, 2013, the Legal Division received 17 advice letter requests and issued 11 advice letters.

D. ADVICE LETTER SUMMARIES

Conflict of Interest

Dendra Dengler

A-13-121

A public official may vote to increase rental rates at a Community Center, provide upgrades to the interior of the center, exterior painting, and signage despite owning property within 500 feet of the center. These decisions are not considered “real property” decisions that trigger the strict 500 foot/one-penny rule.

John A. Ramirez

A-13-156

A planning commissioner who is also the Chief Investment Officer of a privately-owned, California limited liability company does not have an interest in other business entities with which his employer forms partnerships and joint ventures so long as he is not employed with these other businesses and does not receive income from them.

Campaign

Steven W. Martin

A-13-147

City councilmember who plans to start an Internet radio show that would feature discussions on local issues does not implicate the Act so long as he does not use public funds, advocate for or against ballot measures or candidates, or mention his own candidacy or office. Payments from advertisers who purchase on-air advertising space must be reported as income.

Gerald O. Carden

A-13-149

The Act is not implicated if a County Treasurer appears in a county-purchased public affairs radio program. The station’s costs to produce the program are not for a “political purpose” and thus are not campaign contributions or expenditures under the Act.

Michael Millman

I-13-151

General assistance provided with respect to the filing responsibilities of associations that have affiliated committees.

Lacey E. Keyes

A-13-153

A PAC still qualifies as a small contributor committee after a check made out to a union’s general fund was mistakenly deposited into the PAC account, and the erroneously deposited funds were transferred out seven days later. The committee does not lose its status as a small contributor committee under Section 85203 under these limited circumstances.

Lysa Ray

I-13-148

So long as local county ordinances permit, county official may re-activate a county committee in order to repay campaign debt. Official would need to file an amended Form 410 (Statement of Organization) with the Secretary of State's office. Regulation 18404 would not apply since this is a local committee not for state office.

Revolving Door

Russ Guarna

I-13-154

As a private consultant, the Act's one-year ban prohibits former state employee from appearing before or communicating with his former state agency employer for compensation and for the purpose of influencing administrative or legislative action. Any forum involving the procurement of information technology by a state agency, or other services under the purview of his former agency employer, is an administrative action before the agency and he may not participate in the forum for 12 months after leaving state service. Additionally, the Act's permanent ban prohibits him from participating in any proceeding involving the State of California, or assisting others in the proceeding, if the proceeding is one in which he participated as a state employee. Section 87407 prohibits him from taking part in any governmental decision with a reasonably foreseeable material financial effect on a prospective employer prior to his retirement.

Mass Mailing

Helen Holmes Peak

A-13-146

A business journal that is entirely funded by "advertiser revenue sales" (where no public funds are used to fund the distribution, design, production or printing of the business journal) that "features" elected officials in its Table of Contents is not a prohibited mass mailing under Regulation 18901(a) or Section 89001 since no public funding is being used.