



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

To: Chair Miadich and Commissioners Baker, Cardenas, Wilson, and Wood
From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Subject: Advice Letter Report and Commission Review
Date: April 29, 2022

The following advice letters have been issued since the March 30, 2022, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the May 2022 Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Brian Hebert

[A-22-019](#)

The Act does not prohibit a public official from overseeing his employer’s submission of an advisory report to the official’s agency where the employer is also a state agency and does not constitute a source of income under the Act, and it is not reasonably foreseeable the underlying decisions would have a material financial effect on the official’s personal finances.

Michelle Bushnell

[I-22-022](#)

A public official is prohibited from taking part in a decision that would reduce or repeal a tax applicable to the property she uses to cultivate commercial cannabis, despite the decision potentially affecting a significant segment of the public, where her permitted grow area is four times the size of the average permitted area.

Carrie Hunt

[A-22-025](#)

The Act prohibits a planning commissioner from taking part in decisions concerning an affordable housing project where her employer is actively bidding on construction jobs for home sites between 500 and 1000 feet from the project and her position requires her to find new project opportunities and secure new construction contracts. Because it is reasonably foreseeable that the project will have a material financial effect on her employer, and because of the impermissible nexus between the decisions and income she receives from her employer, she is disqualified under the Act from taking part in the decisions.

Rebecca Moon[A-22-026](#)

Three city officials are prohibited from taking part in governmental decisions related to the approval of a Specific Plan because their residences are located less than 500 feet from the boundary of the plan area. The public generally exception does not apply because the residences, located within a similar proximity as the officials' residences to the boundary of the plan area, do not comprise a significant segment of the public. However, two other city officials may take part in the decisions because it is not reasonably foreseeable that the decisions would have a material financial effect on their interest in their residences, which are located more than 500 and less than 1,000 feet from the boundary of the plan area.

Section 1090**Derek P. Cole**[A-22-021](#)

Section 1090 prohibits a regional transportation planning agency board member, who attended a closed session meeting to discuss the recruitment of a permanent Executive Director and expressed interest in the position during the meeting, from entering into an employment agreement with the agency to be the permanent Executive Director even if he first resigns from his position as board member.

Celeste Stahl Brady[A-22-027](#)

An official has a financial interest under the Act in a decision to select a waste hauler contract bid, where his mobile home is located on a lot space within 500 feet of a green waste recycling center operated by a subsidiary to one of the contract bidders as it is reasonably foreseeable that the potential increase in the facility's activity will impact the value of his personal property. To the extent Section 1090 may apply, the City may consider and enter the contract under the rule of necessity.

Revolving Door**Daniel Dudak**[A-22-031](#)

Under the Act's "revolving door" provisions, the "one-year" ban does not prohibit a public official from communicating with his former department more than one year after leaving the department, nor does the "permanent ban" prohibit the official from serving as a paid consultant for a private party in a new proceeding that is related to, or grew out of, a prior proceeding in which the official participated.