



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich and Commissioners Baker, Wilson, and Wood
From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Subject: Advice Letter Report
Date: April 28, 2023

The following advice letters have been issued since the April 3, 2023, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the May 18, 2023, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Section 84308

Matt Strabone

[I-23-037](#)

Disclosure and disqualification requirements of Section 84308 apply to contributions received as a candidate for county central committee. So long as an official is an officer subject to Section 84308 at the time of the decision, the official will be subject to its provisions.

Campaign

James R. Sutton

[I-23-030](#)

On its Form 410, a ballot measure committee should list its sponsor, LLC-1, which is an affiliated entity of the Company and other affiliated entities, as “Company and Affiliated Entities, including LLC-1,” while also identifying LLC-1’s responsible officer. In addition, reference to the sponsor in the Committee’s name should be “Sponsored by Company and Affiliated Entities, including LLC-1,” without including the responsible officer’s name. Reference to LLC-1 as a top contributor in the committee’s “ad paid for by” disclaimer, should include the words “Ad Committee’s Top Funder(s)” followed by “Company and Affiliated Entities, including LLC-1.” Finally, with respect to contributions from LLC-1 on the committee’s Form 460, Schedule A, it should include “LLC-1/Company and Affiliated Entities,” while providing the name of LLC-1’s responsible officer as a public note.

James R. Sutton

[I-23-054](#)

Under the Act’s advertisement disclosure rules: (1) if a committee pays for an advertisement that appears in English and Spanish but primarily in Spanish, the committee’s name in the required disclosure must appear in the same language as on the committee’s statement of organization or campaign statements; (2) disclosure requirements for “written advertisements” under Regulation 18450.7 apply to a screen saver displaying “Vote for Smith,” but not to small tangible promotional items; and (3) text advertisements on a social media platform that also include an

audio message when clicked on are not “on a listening application,” for purposes of the combined audio and video advertisement disclosure requirements of Regulation 18450.8.

Charlene D. Cruz [A-23-074](#)

In connection with a July 25, 2023, election in Los Angeles County, candidates and their committees may use a filing schedule that combines the semi-annual campaign statement with the second pre-election statement. The combined statement will be due on July 13, 2023, covering the period June 11, 2023, through July 8, 2023.

Conflict of Interest

Jean B. Savaree [A-23-049](#)

Councilmember is prohibited from taking part in general plan housing element decisions involving a parcel located within 500 feet of the official’s residence because it is reasonably foreseeable that those decisions would have a material financial effect on his real property interest in his residence under Regulation 18702.2(a)(7). However, the decisions can potentially be segmented such that the official may take part in the remaining decisions that would not impact the parcel.

Nicole C. Wright [A-23-055](#)

Under the Act, Councilmembers are not prohibited from taking part in a decision to update Housing Element and permit the development of an affordable housing development, potentially located within 1,000 feet of their residential real property, where the decision is preliminary and there are insufficient facts to indicate the development would impact the residences’ development potential, income-producing potential, highest and best use, character, or market value. However, the Act prohibits the officials from taking part in decisions that would eliminate minimum parking requirements and zoning decisions impacting property located less than 500 feet from their residences.

Nicole C. Wright [A-23-067](#)

Mayor and Councilmember have a disqualifying financial interest in their properties located within 500 feet of a downtown area specific plan, that is part of a larger vitality strategy. Further, the Limited Neighborhood Effect Exception does not apply to the decisions surrounding the downtown area specific plan because the decisions are not aimed at a nuisance or safety measure at a specific location and the decisions are beyond the scope of the exceptions. However, if portions of the decision making surrounding the vitality strategy can be properly segmented under Regulation 18706(a) then they may participate in only those segmented decisions.

Kevin G. Ennis [A-23-073](#)

Mayor who owns rental property does not have a prohibitive financial interest in a decision to appoint members to a new rental housing board where (1) the official does not have a financial interest in the persons up for appointment, (2) there is no understanding between the official and the appointee as to how the appointee will vote, and (3) the appointee has not taken a position or otherwise expressed how the appointee would vote on particular issues. Similarly, the official does not have a prohibitive financial interest in a budget approval decision to provide initial,

mandated funding to a new rental board entity where subsequent decision by the board will be independently made from the City Council and the above factors are met.

Honoraria

Gary S. Winuk

[I-23-009](#)

Councilmember, with a long-standing business in place, may continue to receive compensation for activities associated with the business as earned income. However, under the honorarium ban, she will only be able to receive compensation for speechmaking activities once income for activities other than speechmaking meets or exceeds 50 percent of income to her business in the last 12 months. Additionally, she may not receive compensation for teaching unless it meets the regulatory requirements for the “bona fide profession of teaching.”

Use of Public Funds

David Stotland

[I-23-026](#)

Pursuant to the Act, County may use public funds to conduct a survey among constituents regarding local issues in order to inform the work of County Supervisor so long as the survey does not constitute campaign activity. Provision of the survey results to the Supervisor will not constitute a reportable contribution or independent expenditure where the survey results have also been shared publicly. Additionally, survey data regarding the preferred method of communication for individual constituents will not result in a contribution from the County to the Supervisor, so long as the data is not used for a political purpose.

Section 1090

Shiri Hoffman

[A-22-130\(a\)](#)

Notwithstanding the exception for contracts with a Workforce Development Board in Section 1091.2, County may not enter a contract with an organization that serves as both a nonprofit and Workforce Development Board for services to implement the behavioral health workforce initiatives that the organization recommended. Based on the facts provided, the organization would not be acting as a Workforce Development Board within the definition of Section 1091.2, but would rather be acting in its nonprofit capacity, so the exemption would not apply. Further, because the organization took on the role of an advisor in the initial contract, which required that the organization design strategies for the County to assist with recruiting and retaining its public behavioral health services staff, the organization and County cannot enter a subsequent contract to implement the initiatives recommended by the organization under its initial contract.

Veronica Ramirez

[A-23-034](#)

The Act does not prohibit Councilmember from taking part in the decisions related to planning approvals for general and precise plan amendments, and development agreements concerning six projects, as there are no facts indicating that the decisions will have a material financial effect on her nonprofit employer as a source of income merely because the nonprofit operates a museum near one of the projects. Likewise, Section 1090 does not apply, because the official does not

have an interest in the contract merely because the official's nonprofit employer operates a museum near one of the projects.

Kevin G. Ennis

[A-23-051](#)

Section 1090 prohibits Councilmember from taking part in a proposed amendment to an existing agreement between the City and an association based on his employment with the law firm representing the association. However, because the firm has provided services to the contractor for more than five years, the Councilmember has only a remote interest in the agreement under Section 1091(b)(8). Thus, the City may enter into the agreement with the association so long as the Councilmember abstains from any participation in the making of the agreement and leaves the room during the consideration of any amendment to the agreement.

Scott C. Nave

[A-23-053](#)

The noninterest exception for "public services generally provided" is applicable to an Airport District's decision to approve a lease assignment to Board Member so long as the District's assignment is within a leasing scheme that is applicable to all potential tenants; available on a first-come, first serve basis; establishes rental fees based upon a set criteria; does not provide priority or preferential rates for the Board Member; and does not allow for "special tailoring" of the Board Member's lease to advantage him over other potential tenants. However, the Board Member may not participate in the decision under the Act because it is reasonably foreseeable that the decision will have a material financial impact on his financial interest.

William H. Ihrke

[A-23-057](#)

Under the Act and Section 1090, Councilmember's employment with the County Sheriff's Department does not prohibit the Councilmember from generally participating in the final budget decision process where the City contracts with the County Sheriff's Department for law enforcement services. However, under Section 1090 the Councilmember would be prohibited from taking part in any discussions of whether to continue to allocate budgetary funds to the Sheriff's Department because of her interest in the contract between the City and the Sheriff's Office and must recuse herself from such discussions if they arise.

Ghassan ALQaser, Ph.D.

[A-23-061](#)

The former agency manager is not prohibited under Section 1090 from acting as a consultant under a contract where there are no facts indicating the officer had influence over the contract to promote the officer's personal interests. Under the Act, the one-year ban does not prohibit the former manager from appearances or communications before former agency as a subcontractor to a consultant as a part of services performed to administer, implement or fulfill the requirements of the existing contract, and the permanent ban does not apply where the contract implementation proceeding commenced after the official's date of permanent separation and the official did not participate in the proceeding.

Anne E. Branham

[A-23-066](#)

Section 1090 does not prohibit District from contracting with an independent contractor to help write the technical portions of grant applications in exchange for subsequently being hired to

perform work under the grant so long as there is an agreement under the initial contract to enter a subsequent contract with the same independent contractor to perform the work under the grant.

Veronica Ramirez

A-23-070

The Act does not prohibit Councilmember from taking part in the decisions related to planning approvals for general and precise plan amendments, as there are no facts indicating that the decisions will have a material financial effect on his leased residence. The Councilmember has a potentially disqualifying financial interest in decisions involving land use entitlements for a redevelopment project on a site located less than 1,000 feet from his leased residence. However, based upon the number of residences near the project that will be affected similarly, the public generally exception applies, and he may take part in these decisions. Likewise, Section 1090 does not apply, because the official does not have an interest in the contract merely because the official has an interest in his leased residence near one of the projects.