



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:** January 27, 2023

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The following advice letters have been issued since the January 3, 2023, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the February 16, 2023, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### *Conflict of Interest*

**Cara E. Silver**

[A-22-131/A-22-131\(a\)](#)

Town Councilmember is prohibited from taking part in general plan housing element decisions involving three specific parcels located within 1,000 feet of the official's residence where the decisions would add dozens of residential units near the official's residence in a town with a relatively low number of housing lots, but such decisions can potentially be segmented such that the official may take part in the remaining decisions that would not impact those parcels.

**Sudhanshu Jain**

[A-22-132](#)

Although Councilmember has a potential conflict of interest in governmental decisions concerning a proposed precise plan for Downtown focus area given the proximity of the official's primary residence to the focus area, the public generally exception applies and permits the official to take part in the decisions. Because more than 12 months have passed since his wife received any income from an employer that owns real property within plan area, it is no longer a disqualifying source of income to the official.

### *Section 1090*

**Blaine R. Cox**

[I-22-106](#)

County Supervisor is prohibited from taking part in any decisions if it is reasonably foreseeable the decisions will have a material effect on his nonprofit employer. Supervisor is generally prohibited from taking part in any decision in which his employer is explicitly involved, including any negotiations involving a contract with the nonprofit. However, the Act does not prohibit statements made to the general public or media. For purposes of Section 1090, the Supervisor, as well as the County, cannot generally enter a contract with the nonprofit unless an

exception applies. However, Section 1091(b)(1) provides that an officer or employee of a nonprofit corporation or 501(c)(3) entity has only a remote interest in the contracts, purchases, and sales of that nonprofit entity. Under this exception, a governing board is not prohibited from entering a contract, if the member with a financial interest discloses the interest to the board, the interest is noted in the board's official records, and the official abstains from the contracting process.

**Meredith Matthews**

**[A-23-002](#)**

If a Vice Mayor becomes the executive director of a nonprofit corporation, she would have a prohibitive Section 1090 financial interest in any agreement between the City and the nonprofit. However, the City may enter into those contracts, including its annual contract, pursuant to the remote interest exception set forth in Section 1091(b)(1) as long as the official abstains from any participation in the making of such contracts.