



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660

To: Chair Silver and Commissioners Baker, Ortiz, Wilson, and Wood

From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel

Subject: Advice Letter Report

Date: August 30, 2024

The following advice letters have been issued since the July 26, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the September 19, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Campaign

Ryan Abusaa

[I-24-075](#)

To the extent a committee provides versions of its window signs and other campaign materials for free public download off the Internet, and there is no coordination between the committee and the individual, a small-scale printing by an individual solely for the individual’s own use will not constitute an in-kind contribution to the committee or an independent expenditure. However, printing by an individual coordinated with the committee would generally be categorized as an in-kind contribution, and an uncoordinated printing that exceeds the individual’s personal use could constitute an independent expenditure, depending on the nature of the communication.

Peter Bagatelos

[A-24-080](#)

The legislative history of Section 85320 indicates that the Legislature did not intend the statute to prohibit H-1B visa holders residing in the United States from contributing to ballot measure committees. As introduced as SB 109, the proposed statutory language would have applied to both “foreign principals” and “foreign nationals”—a group defined to include all non-U.S. citizens and non-permanent residents. However, that language was subsequently amended to remove reference to “foreign nationals,” signaling a legislative intent for a less restrictive standard that applies only to those who qualify as “foreign principals.”

Conflict of Interest

Christina Cameron

[A-24-068](#)

The public generally exception applies to two officials whose interests are primary residences within 500 feet of the zones subject to proposed development standards because more than 15 percent (61.6 percent) of all residential parcels are within 500 feet of the zones, and the decisions will not uniquely affect the officials. However, the public generally exception does not apply to a third official with a residence within the zones, which will be subject to the standards because

less than 15 percent of the residential properties are within the zones and similarly situated. This official may not take part in the decision.

Lexi Boeger[A-24-071](#)

The planning commissioner, who is also an employee of a winery owned by her parents, has interests in the winery as a source of income and a business entity. However, unless there is a nexus between the commissioner's income from the winery and the ordinance in question, the commissioner is not prohibited from taking part in decisions regarding the ordinance as it pertains to special events and weddings. As the winery does not currently host weddings, holds only a limited number of special events, and is presently engaged in winery-related operations, there is no indication that the proposed special events provisions may have a material financial effect on the winery.

Revolving Door**Sumi Hoshiko**[A-24-057](#)

A former Research Scientist Supervisor with a state agency who permanently left office is subject to the post-governmental employment provisions of the Act, despite not being designated in the agency's conflict of interest code, because the official made governmental decisions that involved contracts and hiring decisions and had supervisory authority. The official, therefore, participated in governmental decisions that could foreseeably give rise to a material financial effect on a financial interest. Under the one-year ban, the official would not be prohibited from accepting employment as a consultant if the official did not personally communicate with the official's former agency. Under the permanent ban, the official would not be prohibited from performing work as a consultant as there are no facts to suggest the potential employer had any prior proceedings with the official's former agency that the official previously participated in as a state employee.

Section 84308**Sean Mill**[A-24-083](#)

An attorney hired solely for representation in the trial aspect of litigation involving the attorney's client and a government agency who is not authorized to engage in settlement negotiations with a government agency on behalf of the client does not qualify as the client's "agent" in the settlement negotiations for purposes of Section 84308. Consequently, a city councilmember who has received a contribution greater than \$250 from the attorney within the preceding 12 months would not be disqualified from taking part in settlement decisions on behalf of the city.

Statement of Economic Interests**William Pahland**[I-24-088](#)

Where a public official's managed accounts share the same characteristics as a mutual fund in that it is a bona fide investment fund that pools money from more than 100 investors, holds securities of more than 15 issuers, public official does not influence or control the decision to purchase or sell the specific fund on behalf of the official's agency, public official does not influence or control the selection of any specific investment, and the fund does not have a stated

policy of concentrating holding in the same industry or business, the managed accounts do not meet the definition of an “investment” in Section 82034. The managed accounts need not be disclosed on a statement of economic interests.