



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

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: May 31, 2024

The following advice letters have been issued since the April 25, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the June 13, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Campaign

Bobbie Ormonde

[A-24-059](#)

In connection with an August 27, 2024, election for Broadview Water District, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 18, 2024, covering the period from the day after the closing date of the last statement filed through July 13, 2024.

Conflict of Interest

Shanna Edwards

[A-24-028](#)

Mayor may take part in a decision involving the development of a parcel that shares a property line with building rented by his, and his spouse's, mutual employer on a month-to-month basis. Based on the facts provided, there is no indication that the decision will have a material financial effect the employer as a source of income and no indication that there is a "nexus" between the mayor or spouse's income and the project.

Heather L. Stroud

[A-24-030](#)

Two city officials, whose residential properties are within 500 feet of the boundaries of an area plan, may take part in an upcoming decision on the plan despite a potential conflict, because the public generally exception applies to their real property interests. However, a third official may not take part in the decisions as the public generally exception does not apply to the official's multiple business-related interests due to the unique effect of the decision on the business and commercial properties.

John W. Lam[A-24-036](#)

Councilmember who owns real property located within the boundaries of a draft plan area for downtown street accessibility and design improvement is prohibited from taking part in the decisions concerning the plan. Under applicable regulations, it is reasonably foreseeable that the financial effect of the plan will be material because the property is located within 500 feet of the plan. Further, the facts presented do not establish that a significant segment of real properties within his jurisdiction will be affected in a similar manner, and the public generally exception does not apply.

Dawn Ortiz-Legg[A-24-048](#)

County supervisor does not have a disqualifying financial interest in decisions regarding a housing project for homeless located approximately 971 feet from her residence. Based on the distance to her parcel, the existing uses of properties near and adjacent to the project site, and the buffering properties, the decisions would not change the development potential, income producing potential, highest and best use, character, or market value of the official's residence.

Keith F. Collins[A-24-049](#)

Councilmember may take part in governmental decisions relating to a "beautification" development project located further than 1,000 feet from her condominium but less than 1,000 feet from the condominium complex's co-owned common areas. Under the Act, the co-owned common areas do not constitute a real property interest, and based on the facts provided, there is no clear and convincing evidence to rebut the presumption the project-related decisions would not have a material financial effect on the councilmember's condominium.

Gifts**Victor Wang**[I-24-034](#)

Payments for actual transportation and related lodging and subsistence for each official to travel to China from a foreign government, are reportable gifts that are not subject to the gift limits pursuant to Section 89506(a)(2). As reportable gifts, these payments may also require disqualification from governmental decisions affecting the source of the gifts.

Revolving Door**Melissa Semcer**[I-24-007](#)

Former state official, who is now a consultant, may not represent clients in certain proceedings before the official's former state agency under the one-year ban. However, the consultant is not prohibited under the one-year ban from helping the clients so long as the consultant will not be making an appearance or communication before the official's former agency to influence a decision and the proceeding is not subject to the permanent ban. The official is prohibited under the permanent ban from assisting a client, in any way, in a proceeding involving specific parties, including an update of an existing mitigation plan, the consultant previously participated in as a state official.

Section 1090**Scott C. Nave**[A-24-038](#)

The continuation of two advertisements, which a hospital district has run automatically at set intervals on a regular basis, and at the same rate, under an agreement created prior to a district director acquiring an interest in the newspaper, would not involve the “making” of a contract, prohibited under Section 1090. Also, under the “rule of necessity,” the district may publish required legal notices regarding unclaimed funds and property in the newspaper because the newspaper is the only “official paper of record” for the area served by the district, a remote and sparsely populated mountainous area, and it is the newspaper most likely to reach those who left property or money with the hospital.

Amy S. Ackerman[A-24-039](#)

Councilmember and sanitary district board member who participated in the establishment of a district sewer lateral loan program has a prohibitory financial interest under Section 1090 in a loan agreement between the district and the councilmember. However, the noninterest exception under Section 1091.5(a)(3) applies to permit the district to enter in a loan agreement with the councilmember under the loan program. Under the Act, the decision whether to approve the councilmember’s loan application explicitly involves his real property interest, making it reasonably foreseeable that the decision would have a material financial effect on his financial interest and prohibiting him from taking part in the decision. However, he may contact district staff as necessary to apply and provide necessary information for the loan so long as he does so in the same manner available to any other member of the public.

Katie Doerr[A-24-040](#)

Section 1090 does not prohibit a city from contracting with a contractor to complete an energy services project where the city entered an initial contract with the contractor to assist in determining the scope of a second contract on the project and, under the terms of the initial contract, the contractor was the intended and exclusive provider of energy services for the second contract.

Sonia R. Carvalho[A-24-041](#)

Section 1090 prohibits a former public officer, who served as program director and helped establish a pilot project (through initial research, meetings, discussions, and drafting RFPs for positions relating to the program and pilot project) from retiring from public service and entering a contract with former public agency to implement the program and pilot project.

Section 84308**Shante Sylvester**[A-24-027](#)

Section 84308 is not applicable to a proceeding affecting a community standards district that was initiated by the agency as a general policy matter prohibiting new oil wells and production facilities, requiring removal of existing oil wells and production facilities after 20 years, and maintaining oil field regulations for all unincorporated areas within the agency’s jurisdiction, where the facts indicate that the change was not applied for, nor was it formally or informally

requested by a party, does not involve a contract between the agency and a party, and would affect over 100 persons with property rights or permitted interests as well as all residents within the area.

Ryan O'Connor

[I-24-035](#)

Under Section 84308 and Regulation 18438.3, where an agent is employed as a lobbyist at a lobbying firm, contributions by the lobbying firm are aggregated with contributions made by the client-party or client-participant. Contributions by an employee of the lobbying firm are only aggregated with the client's contributions if the employee qualifies as an "agent" or must aggregate their contributions under Section 82015.5 (e.g., the employee directs or controls the firm's contributions).

Bradley A. Russi

[I-24-037](#)

Section 84308 prohibits parties, participants, and agents from contributing more than \$250 to the elected city attorney as an officer of the agency while the proceeding is pending and for 12 months thereafter. This prohibition applies even if the city attorney establishes a screening process to preemptively recuse himself from taking part in city contracts involving the potential contributor.