



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich and Commissioners Cardenas, Hatch, Hayward, and Wilson

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

Subject: Advice Letter Report and Commission Review

Date: May 11, 2020

The following advice letters have been issued since the April Advice Letter Report. The Commission may review and discuss the following letters and may act to withdraw the advice provided. Full copies of FPPC Advice Letters, including those listed below, are available at: <http://www.fppc.ca.gov/the-law/opinions-and-advice-letters/law-advice-search.html>.

Campaign

Steven Lucas

[A-20-048](#)

Pursuant to Section 82015.5, a general purpose committee does not share contribution limits with local chapter committees, provided the general purpose committee and all local chapter committees are controlled by different individuals, who independently direct and control the entities' respective contributions.

Conflict of Interest

Zachary Wasserman

[A-20-029](#)

Transportation authority's Director of Projects, who holds a promissory note from the parent company of a wholly owned subsidiary that does business with the agency, has a financial interest in both entities and may not take part in any decision with a foreseeable and material effect on either business entity.

Daniel Sodergren

[A-20-042](#)

Section 1090 prohibits a city from entering two separate contracts with the same energy services company where the subsequent contract's scope of work would be established through services performed under the initial contract, notwithstanding any other provision of law including Public Contract Code section 388, which merely allows an agency to enter into a service contract with individuals or firms identified in a pool of qualified energy service companies.

Phaedra A. Norton

[A-20-047](#)

The Act's mass mailing provisions do not prohibit a city from sending a proposed mailer, containing a survey regarding city residents' priorities for the future use of funds from an existing general sales tax measure. The mailer, related only to a former ballot measure, does not

contain “express words of advocacy” for any clearly identified candidate or measure in an upcoming election nor “unambiguously urges a particular result in an election.”

Robert Khuu[A-20-052](#)

A city council member may generally take part in governmental decisions pertaining to the legalization of commercial marijuana activities, despite having a source of income interest in a marijuana company. The potential expansion of the large marijuana company into the small, newly-legalized, city would not have a reasonably foreseeable and material financial effect on the company.

Revolving Door**Adenike Adeyeye**[A-20-027](#)

The one-year ban prohibits a former state employee from appearing before or communicating with the official’s former agency, or its officers or employees, on behalf of a private employer with respect to a public workshop jointly held by the agency and other state agencies, or an agency rulemaking. Upon the expiration of the one-year ban, the permanent ban does not generally prohibit the former employee from working on agency rulemakings because the permanent ban does not apply to the making of rules or policies of general applicability. However, if the official previously participated in the proceeding, the permanent ban may prohibit the official from working on any component proceeding of these rulemakings involving a specific party or parties, such as related orders and petitions applicable only to the petitioner or a specific party or parties, or a decision involving a procurement requirement applicable to the specific contractor.

Section 1090**Ash Pirayou**[I-20-025](#)

The conflict of interest provisions under the Act generally prohibit a water district’s board member from taking part in decisions that have a foreseeable and material financial effect on his potential interests in a company that provides water management software. However, whether the board member is disqualified from any particular decision or contract under the provisions of the Act or Section 1090, is a determination that can only be made when there are facts concerning a specific governmental decision.

Mike Leonardo[A-20-046](#)

Neither the Act nor Section 1090 prohibit someone from serving on an agency board despite the fact that the person is the president of a company that provides traffic control services for transportation projects. However, barring any applicable exceptions, Section 1090 prohibits the board member’s company from providing services under governmental contracts for which the board allocated the necessary funds.

Ryan Hodge[A-20-055](#)

The conflict of interest provisions of both the Act and Section 1090 prohibit a potential city councilmember, who is an employee of a law firm that represents the city in legal matters, from taking part in the renewal of any agreement between the city and her employer if she is elected to

serve on the city council. However, because she would have only a remote interest in the renewal of the contract under Section 1091(b)(2), the City would not be prohibited from renewing the contract so long as she does not participate in her employer's bid to renew the contract.

Statement of Economic Interest

Brian Hebert

[A-20-028](#)

The unsalaried members of a solely advisory body created to research and make recommendations on revisions to the Penal Code need not be included in the agency's conflict of interest code. Based on the facts provided, the body has no authority to make final decisions and does not have the authority to compel or deny decisions. Moreover, as a newly formed advisory body, there is no history of the body's recommendations being accepted without substantial modification.