



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Chair Miadich and Commissioners Baker, Cardenas, Wilson, and Wood  
**From:** Dave Bainbridge, General Counsel  
Brian Lau, Assistant General Counsel  
**Subject:** Advice Letter Report and Commission Review  
**Date:** June 25, 2021

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The following advice letters have been issued since the May 28th, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the July 2021 Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### *Conflict of Interest*

**Alisha Patterson**

[A-21-081](#)

The Act's conflict of interest provisions prohibit a city councilmember from taking part in governmental decisions relating to a specific plan or the associated potential sale and development of city-owned property within the plan area because those decisions would have a disqualifying financial effect on the Councilmember's leasehold interest in his business's tenant space located within 215 feet of nearest boundary of the plan area.

**Eric Vanderbilt**

[I-21-067](#)

The Act prohibits an official from providing technical revisions and recommendations on project applications/reports where the employer of the official's wife is involved in submitting the application/report. To the extent that the employer merely performed work used by a client to subsequently submit an application/report and is not involved in the application process, the official may also be disqualified from taking part in the decision. However, this determination can only be made on a case-by-case basis.

**Jean B. Savaree**

[A-21-062](#)

The Act prohibits a town councilmember and a planning commissioner from taking part in decisions relating to a proposed update of development standards applicable to the neighborhood that contains their respective residences because the decisions would have a disqualifying financial effect on those real properties.

**Leticia Ramirez**

[A-21-074](#)

The Act prohibits a mayor from taking part in decisions concerning a proposed specific plan because the mayor has a source of income interest in the owner of real property and knows or has reason to know that the real property is the subject of the decision. Accordingly, it is reasonable

foreseeable that the decision will have a material financial effect on the mayor's interest in the real property owner.

**Manu Koenig**[I-21-077](#)

A county supervisor and transportation commission board member, who owns a residence located more than 1,000 feet from a rail line, does not generally have a conflict of interest in decisions concerning the rail line, because these decisions are presumed not to have a material financial effect on the official's real property interest. However, this presumption may be rebutted if clear and convincing evidence indicates the decision would have a substantial effect on the official's property. Accordingly, each decision must be reviewed on a case-by-case basis, and the official should seek further assistance in the event that such decisions arise.

***Gifts*****Linda Schiltgen**[A-21-042](#)

Nothing in the Act prohibits the use of campaign or personal email contact lists for the distribution of a non-campaign related email newsletter that covers governmental issues by an official. The use of the email contact lists is not a gift to the official from the official's campaign committee within the meaning of the Act and does not need to be reported on the Statement of Economic Interest.

**Paul McNamara**[I-21-061](#)

Payments made to a videographer, at the request of an elected official, for the production of videos for the official's personal YouTube channel promoting the positive aspects of a city do not constitute contributions to the elected official under Regulation 18215(c)(4) if the videos do not contain express advocacy, refer to an official's candidacy, or solicit contributions. However, the payments for the official's personal YouTube channel are gifts under the Act subject to reporting and limits, unless the payments fall within an exception of Regulation 18942.

***Revolving Door*****Emily B. Erlingsson**[I-21-078](#)

Under the Act's "revolving door" provisions, the "one-year" ban does not prohibit a public official from communicating with his former department more than one year after leaving the department, nor does the "permanent ban" prohibit the official from representing his new employer in interactions with his former department regarding broad policies or regulations of general application or new proceedings before the department.

***Section 1090*****Rita L. Neal**[A-21-072](#)

Neither the Act nor Section 1090 prohibit a county employee from taking part in decisions concerning a mobile home park project where her in-laws own a residence because she has no financial interest in the decisions concerning the project.