



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: February 25, 2022

The following advice letters have been issued since the January 28, 2022, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the March 2022 Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Campaign

Linda Parks

[A-22-007](#)

The Act permits the use of campaign funds for a legal action to obtain the identity of persons responsible for sending an anonymous lewd item, and messages related to a recall election proceeding, to an elected officer. So long as the legal action does not seek monetary damages that may result in a personal benefit to the officer, the expenditure is directly related to a political and governmental purpose, because the legal action arises directly out of the activities, duties and status of the elected officer and recall candidate.

Conflict of Interest

Daniel G. Sodergren

[A-21-164](#)

Councilmember has a potentially disqualifying financial interest in governmental decisions related to a Housing Sites Inventory for the City's Housing Element Update, which include a site located less than 500 feet from his residence, because it is reasonably foreseeable that those decisions would have a material financial effect on the residence under Regulation 18702.2(a)(7). However, the decision to approve the list as a whole, and general policy discussions and decisions applicable to all properties on the list, do not have a unique effect on the official's interest in comparison to other residences within a similar distance of the property subject to the decisions and which make up at least 15 percent of the residential properties within the City. Accordingly, the public generally exception applies to these decisions.

Daniel G. Sodergren[A-21-170](#)

Vice Mayor has a potentially disqualifying financial interest in governmental decisions related to a Housing Sites Inventory for the City's Housing Element Update, which include a site located less than 500 feet from her residence, because it is reasonably foreseeable that those decisions would have a material financial effect on the residence under Regulation 18702.2(a)(7). However, the decision to approve the list as a whole, and general policy discussions and decisions applicable to all properties on the list, do not have a unique effect on the official's interest in comparison to other residences within a similar distance of the property subject to the decisions and which make up at least 15 percent of the residential properties within the City. Accordingly, the public generally exception applies to these decisions.

Ricki Heck[A-22-005](#)

Water District Board Member may not take part in a water supply assessment decision pertaining to a project she believes would have a high likelihood of impacting the water quality available to her residential real property, as well as other surrounding properties. Based on the facts provided, the Board Member's residential property is located above the mineral rights area of a proposed mining site, and it is reasonable foreseeable the decision will have a material financial effect on the property absent clear and convincing evidence the decision will no measurable impact.

Robert Wishner[A-22-002](#)

The Act does not prohibit former City Manager from accepting employment as Chief Executive Officer of a local development company, from administering the company's project in the City, or from working on the company's project outside the City, as long as the City Manager adheres to the local one year ban under the Act that prohibits certain communications with, and appearances before, the City for a period of one year.

Conflict of Interest Code**Julian Gross**[A-21-172](#)

A non-profit public benefit corporation established by a governmental agency that has its physical facilities located solely in one county, but by the terms of its federal funding provides services without regard to county geographical boundaries, is considered a multi-county agency. Under Section 82011, the Fair Political Practices Commission serves as the code reviewing body for multi-county agencies and the agency must follow the procedures outlined in Regulation 18750 for the approval of its conflict of interest code.

Lisbeth Landsman-Smith[A-21-119](#)

With the primary responsibility for medical review recommendations under its contract with a state agency, the chief officers and directors of the independent contractor, who serve in a staff capacity for the agency and participate in making governmental decisions related to the recommendations to the agency, must be designated in agency's conflict of interest code. However, other employees of the contractor, including independent medical reviewers, are not required to be designated.