



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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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: December 27, 2024

The following advice letters have been issued since the December 3, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the January 16, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Michael J. Garcia

[A-24-117](#)

Three councilmembers are disqualified from taking part in decisions concerning a master plan and environmental impact report transforming a flood control canal into a linear park because it is reasonably foreseeable that the decisions will have a material financial effect on their real property interests, all located within 1000 feet of the canal. However, the “public generally” exception applies to allow one of the councilmembers to take part in those decisions because the decision will have a substantially similar financial effect on at least 15 percent of residential properties as it will on the official’s personal residence.

Michael Garcia

[A-24-123](#)

The Act prohibits three councilmembers, whose properties are within 500 feet of a proposed historic preservation district, from taking part in decisions relating to the creation of the district because the district will impose new design and aesthetic restrictions on all properties located within the plan area, protecting the status quo of the entirety of the neighborhood, and establish review and permitting requirements that make nonconforming alterations difficult at best. Accordingly, there is no clear and convincing evidence that decisions involving the proposed district would not have any measurable impact on the properties. However, the city may invoke the “legally required participation” exception to form a quorum of councilmembers with respect to the decisions, as specified in Regulation 18705.

Revolving Door

Angela Hall

[I-24-127](#)

The Act’s one-year ban does not apply to a former agency employee who was not a designated employee, nor should have been designated in the agency’s conflict of interest code, because the individual did not make governmental decisions or participate in making governmental decisions without significant intervening substantive review based on the facts provided. Nonetheless, the

permanent ban may still prohibit the former employee from participating in, or even assisting any other person in, certain proceedings involving specific parties if the individual previously participated in the proceeding as a state employee.

Section 84308

Shante Sylvester & Gary Winuk [A-24-129](#)

County approval of a city's issuance of private activity tax-exempt bonds constitutes a decision involving an entitlement for use proceeding for purposes of Section 84308 because the issuance of such bonds involves a contract. The county's approval is also a new proceeding involving different parties than a previously approved bond issuance. Moreover, an official disqualified under Section 84308 may not take part in a related decision to delegate authority to another county official, and the "legally required participation" exception does not apply where an alternative source of decision-making exists consistent with the purposes and terms of the statute authorizing the decision.

Melissa Blaustein [A-24-138](#)

Councilmember is not disqualified from voting to approve a nonprofit's lease of city-owned property under Section 84308. Even though the councilmember accepted over \$250 in cumulative contributions from multiple members of the nonprofit's uncompensated board of directors, contributions by the non-compensated nonprofit officers are not aggregated under Section 82015.5, and non-compensated officers do not qualify as agents under Section 84308.

Section 1090

Adam Dondro [I-24-132](#)

The Act generally prohibits an official, whose spouse's consulting firm subcontracts with a firm attempting to procure agency contracts on behalf of its clients, from taking part in any decision involving either firm if the firm is explicitly involved in the decision, including decisions involving agency contracts. If the official needs additional assistance regarding matters in which either firm is not explicitly involved or Section 1090, the official should seek additional advice identifying the specific decision.