



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:** October 30, 2024

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The following advice letters have been issued since the September 27, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the November 21, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### **Campaign**

**Amber Maltbie**

[I-24-105](#)

Regulation 18521.5 does not apply to candidate-controlled ballot measure committees in jurisdictions that have adopted their own contribution limits. However, the Act's provisions defining a contribution apply to such committees. Advertisements by a candidate-controlled ballot measure committee will generally qualify as a contribution to the candidate's campaign committee where the advertisement includes express advocacy or references the candidate's candidacy, campaign, or the candidate's (or their opponent's) qualifications for office. Such contributions would not only be reportable but would also violate the Act's "one bank account rule," which requires a candidate to make all campaign expenditures from a single campaign contribution account.

### **Conflict of Interest**

**Russell Betts**

[A-24-073](#)

Councilmember is not prohibited from proposing and taking part in decision regarding safety measures for intersection within 500 feet of councilmember's rental property, 1,200 feet from second rental property, and 750 feet from personal residence. Notwithstanding potentially disqualifying interests in his rental business, properties, and sources of income, the public generally exception for limited neighborhood effects applies because the councilmember has established sufficient evidence exists to support the need for action at the intersection as a matter of public safety and the location encompasses more the 50 residences.

**Brian E. Washington**

[A-24-098](#)

County supervisor, previously employed as chief marketing officer of a bike store and still employed in a part-time website marketing position performing some of the same duties performed as the chief marketing officer, is prohibited from taking part in decisions and working group recommendations limiting the use or sale of e-bikes and requiring helmets/additional safety equipment. Under the nexus test, it is reasonably foreseeable that the decisions will have a

material financial effect on the official's interest in the bike store because the decisions would achieve, defeat, aid, or hinder a purpose or goal of the source (to sell e-bikes and safety equipment) and the official receives income and is promised income for marketing these products and thereby achieving sales goals.

**Mark Vanni**[I-24-102](#)

An official whose future spouse is an employee of Stanford Health Care ("SHC") will have a source of income interest in SHC as well as Stanford University. Because of Stanford University's control over the membership of SHC's Board, both Stanford University and SHC will be considered the sources of income received from SHC.

**Quinn Barrow**[A-24-106](#)

The Act does not prohibit a public official from gathering signatures for the purpose of forming an assessment district while acting in the official's capacity as a private citizen, even where the district includes the official's real property. Although the official would likely be prohibited from taking part in governmental decisions relating to the formation of the assessment district, the mere gathering of signatures in one's private capacity does not constitute taking part in a governmental decision.

**Patrick T. Donegan**[A-24-107](#)

Where a state of emergency has been declared in a neighboring jurisdiction based on accelerated land movement also impacting a public official's jurisdiction and personal property, the public generally exception applies. Under the exception, the official may take part in governmental decisions stemming from the land movement that is the basis of the state of emergency so long as there is no unique effect on the councilmember's properties.

**Erin Weesner-McKinley**[I-24-109](#)

City councilmember, who owns real property located within 500 feet of a city facility that will be a venue for the 2028 Summer Olympics, is generally precluded from taking part in the decisions concerning the aquatic facility as an Olympic venue. Under applicable regulations it is reasonably foreseeable that the financial effect of the decisions will be material unless there is clear and convincing evidence the decision will have no measurable impact on the property because the property is located within 500 feet of the aquatic facility. To the extent the city councilmember is disqualified from the decisions, the councilmember may not contact city staff for the purpose of influencing any decision involving the aquatic facility as an Olympic venue.

**Gifts****Stefan R. Spich**[A-24-094](#)

Regulation 18944 does not apply to payments made to an agency from outside sources for employee meals and drinks at a gala event offered to employees because the provision of dinner and drinks is not official agency business. Therefore, reporting these items on a Form 801 does not alleviate the reporting requirements for individual officials if the value of the dinner and drinks, and any other gift from the same source aggregates to \$50 or more in a calendar year. If

an employee is required to report the source of the gift, the agency, in its capacity as an intermediary under the Act, must disclose the name and other required information regarding the outside source to the employee.

### **Section 1090**

**Julie A. Barga and Lori Liu**      [A-24-090 and A-24-091](#)

Section 1090 does not preclude a city manager representative and fire chief serving on the governing board of a medical services joint powers authority, or fire chiefs from jurisdictions other than the contracting city, from participating in the request for proposals process and awarding of the contract with the private ambulance provider where excess revenue received under the program would be remitted to the participating members. Under Section 1090, the officials have a noninterest in the contract as the contract does not directly implicate the officials' départements. Additionally, the contracts identified would not implicate the Act due to the "government salary" exception.

**Natalie A. Duke**      [A-24-112](#)

A county may enter a "relinquishment agreement" with a state agency to accept responsibility for specified parts of a freeway project involving local roads. Notwithstanding past violation of the Act by county employee, which fell outside of the statute of limitations, the Act does not apply to subsequent agreement so long as the employee does not take part in the decision. While the employee is disqualified under the Act, Section 1090 is not applicable to the agreement because the employee does not have a financial interest in the contract under Section 1090 solely due to a real property interest adjacent to the project.