



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Chair Silver and Commissioners, Brandt, Ortiz, and Wilson

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

**Subject:** Advice Letter Report

**Date:** February 28, 2025

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The following advice letters have been issued since the February 3, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the March 20, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### **Campaign**

**Amber Maltbie**

[\*\*A-23-175\(a\)\*\*](#)

Although Regulation 18521.5(d) does not directly apply to candidate-controlled ballot measure committees in jurisdictions with non-default contribution limits, expenditures made by such committees that are consistent with Regulation 18521.5(d) do not violate the Act. However, the permissibility of expenditures inconsistent with Regulation 18521.5(d) must be analyzed on a case-by-case basis.

### **Conflict of Interest**

**Samantha W. Zutler**

[\*\*I-24-147\*\*](#)

City councilmember would generally be disqualified from taking part in governmental decisions relating to a major development project, anticipated to include the construction of approximately 1,200 new residential units, because it is reasonably foreseeable that the project decisions would have a material financial effect on her residence located 800 feet away. However, because more than 50% of the jurisdiction's business properties are located within 1,000 feet of the project site and the official's residence would not be uniquely affected (based on the facts known at this time), the official is currently permitted to take part in project-related decisions under the "public generally exception."

**Stephanie Haffner**

[\*\*I-25-007\*\*](#)

The small shareholder exception applies to an investment interest valued at less than \$25,000 and equaling less than 1 percent of the entity's shares. If the exception applies, the official will not have a disqualifying interest in a decision solely because the interest is a named party or subject of the decision. The official will be disqualified from the decision only if it is reasonably foreseeable the decision will have a financial effect on the interest meeting the materiality thresholds in Regulation 18702.1(a)(2), (3), or (4)(B). For an investment interest valued at over \$25,000, the official will have a disqualifying interest in a decision if the interest is a named

party or subject of the decision or if it is reasonably foreseeable the decision will have a financial effect on the interest meeting the materiality thresholds in Regulation 18702.1(a)(2)-(4).

**Derek P. Cole****[I-25-013](#)**

Community service district board member will have a disqualifying financial interest and may not participate in decisions regarding the repeal, modification, or refund of a lighting and landscaping district assessment that applies to a board member's real property as it is reasonably foreseeable that the decisions will have a material financial effect on the board member's property interest. The board member will also have a disqualifying interest in board decisions regarding potential legal challenges relating to these decisions. In regard to related decisions involving similar measures, the decisions are inextricably interrelated because the decisions about the implementation or legal challenge to one measure would effectively determine the result for all measures. Therefore, if the official has a disqualifying interest in one measure's decision, the official is disqualified from taking part in the decisions for all of the measures. decisions. t.

**John C. Wu****[A-25-016](#)**

Travel payments or reimbursements from a foreign trade association for travel that include airfare to Taipei, transportation to hotel and venue, meals, and lodging for a mayor to attend a Smart City Summit & Expo would exceed the gift limit of \$630 from a single source in a calendar year, and no exception applies to this gift. The mayor may only accept the payments if they do not exceed \$630 in aggregate or if he reimburses any portion that exceeds the \$630 limit. The mayor will have a reporting duty for any gift of \$50 or more (aggregate) from the trade association in a calendar year. He will also be disqualified from decisions with a financial effect on the trade organization if the official has received gifts from the organization totaling \$630 or more within the 12 months before the decision.

**Olivia Clark****[I-25-020](#)**

As a general matter, absent any indication from the facts that a fee agreement (between a city and a tribe developing a casino project) to address a casino's use and impacts on the city's utilities and public services threatens the completion or continuing viability of the casino project, it does not appear reasonably foreseeable that the fee agreement would have a material financial effect on a council member's residential real property interest.

**Gabrielle Whelan****[A-25-023](#)**

A month-to-month tenancy does not meet the Act's definition of a real property interest subject to the conflict of interest rules. Based on the facts presented, a councilmember does not have a "financial interest" under the Act in decisions concerning the approval of three proposed development projects within 1,000 feet of his apartment. Further, there is no indication the decision would have a material effect on his personal finances.

**Richard D. Pio Roda****[A-25-027](#)**

An official with a real property interest between 500 and 1,000 feet from a road is not disqualified from taking part in decisions to reopen the road to traffic. Because the facts indicate

that the property's accessibility is not dependent upon the road, and the property is insulated from traffic or construction because of its interior location within its neighborhood and the significant difference in elevation between the road and the property, it is not foreseeable the decisions will have a material effect on the property.

### **Revolving Door**

#### **Serge Stanich**

[A-24-126](#)

The former state agency director of environmental services is not prohibited under the permanent ban from working for a private business on a project involving a connecting with a railway station. While the project will include a connection with a railway station and the official had previously participated in decisions involving the railway station, the project connecting to the station is a "new" proceeding involving different parties, a different subject matter, and different factual issues.

### **Section 84308**

#### **Rebecca Moon**

[I-25-008](#)

Council approval of payments already made by the City Manager as a consent item, where the City Manager has approved the payments under authority delegated under the City Charter or through obligations previously authorized by the City Council, and there is no process by which the City Council could reverse any of these payments, is an action that meets the definition of a "ministerial" and would not be subject to Section 84308.

### **Section 1090**

#### **Susana Alcala Wood & DeeAnne M. Gillick**

[A-24-136](#)

For purposes of the Act, a public official who has lived in a house with her life partner since it was purchased and for more than a decade, has regularly paid half of the mortgage (along with her partner), and who is the sole beneficiary of a revocable trust, has an equitable interest in the real property greater than \$2,000. Accordingly, the official is prohibited from taking part in decisions regarding the large-scale industrial development of hundreds of undeveloped acres of property located within 1,000 feet from the property because it is reasonably foreseeable the decisions would have a material financial effect on the property interest.

#### **Jim Light**

[A-24-145](#)

The noninterest exception under Section 1091.5(a)(8) applies to allow a councilmember to take part in contractual decisions concerning two nonprofit organizations where he and his spouse are non-compensated board members given their primary purposes support the functions of the City Council. Likewise, the councilmember is not prohibited from taking part in the decisions under the Act. As to a third nonprofit organization, which does not primarily support the functions of the City Council and for which his spouse is a non-compensated board member, the remote interest exception under Section 1091(b)(1) would apply to allow the City to enter into the contract so long as the councilmember's interest in the contract is disclosed to the City Council, noted in its official records, and he abstains from any participation in the making of the contract.

**David Griffith**

**[A-25-014](#)**

Under Section 1090, a county supervisor has a financial interest in a contract with a restaurant owned by the supervisor. This financial interest generally prohibits the County from entering into contracts with the restaurant for the purchase of meals. However, the supervisor may wish to seek further advice to determine whether any exception exists allowing the County to enter into a contract with the restaurant once the specific contact has been identified.

**Nicholas R. Ghirelli**

**[A-25-005](#)**

Under the Act, a city councilmember is not generally prohibited from taking part in decisions relating to a residential development project located more than 1,000 feet from her residence, where there is no clear and convincing evidence the decisions would substantially affect her property. Additionally, Section 1090 is not implicated where the official's only "interest" in a contract between an agency and developer is the official's real property located more than 1,000 feet from a proposed project development site.