



Third Quarter Update 2025

Conflict of Interest, Revolving Door, and Statement of Economic Interests

Regulations adopted by the Commission

The following are regulatory changes approved by the Commission during the past quarter concerning conflict of interest, revolving door, or statement of economic interests. To receive updates for all regulations before the Commission, please sign up for our [mailing list here](#).

18351. Conflict of Interest Code of the Fair Political Practices Commission. (amended), amend 9/18/25.

Advice Letters

The following are advice letters issued by the Commission's Legal Division during the past quarter concerning questions about conflicts of interest, revolving door, or statement of economic interests. To receive the monthly report with all advice letters issued, please sign up for our [mailing list here](#)

Conflict of Interest

Christina M. Burrow - I-25-072

Where city council decisions related to a specific plan will involve determining which parcels will be subject to zoning changes, city officials who own residential real property potentially subject to those zoning changes are generally prohibited from taking part in the decisions. Likewise, a city official who leases residential real property will generally be prohibited from taking part in the decisions, which also involve selection of potential roadway and amenity improvements, based on the potential financial effect those decisions will have on the rental value and the official's use and enjoyment of the property.

Ingrid Anderson - I-25-082

A city design review board member, who is also an architect, is not prohibited under the Act from appearing as a representative of her clients' projects before the planning commission or city council so long as she does not act or purport to act as a representative of, or on behalf of the design review board because the planning commission and city council are not public bodies "appointed by or subject to the budgetary control of" the design review board. However, the design review board member is prohibited from making, participating in making, or influencing decisions relating to a client's projects to the extent that this involves contacting staff of the design review board or, if the project may be brought before the design review board, any city staff shared with the design review board.

Michael Sparks - [A-25-099](#)

Under the Act, a housing development on a vacant lot located approximately 800 feet from a Councilmember's residence disqualifies the official from governmental decisions related to the development project because it is foreseeable that the development of a vacant lot with 88 new residential units will change the market value and character of the residence.

Rebecca L. Moon - [A-25-101](#)

Under the Act, a city councilmember may take part in governmental decisions relating to vehicle lane closures and street improvements, including the creation of pedestrian and bike paths, located between 500 and 1,000 feet from the councilmember's residence because the decisions would not change the residence's development potential, highest and best use, income-producing potential, character, or market value.

Rebecca L. Moon - [A-25-103](#)

A city councilmember, whose leased residence is located 915 feet from a well and water tank project by a private water utility servicing the official's property, does not have a disqualifying interest in the project decisions because the official's property interest is sufficiently separated from the project, such that the project will not have an impact on her use and enjoyment of her leasehold interest.

Steven L. Flower - [A-25-102](#)

An official has a disqualifying interest and may not participate in litigation decisions where the settlement amounts would be used to complete a road realignment and improvements located within 313 feet of the official's property and no clear and convincing evidence is provided that the decisions would not have any impact on the official's property.

Brittany Brace - [A-25-110](#)

A planning commissioner does not have a conflict of interest prohibiting the commissioner from taking part in decisions concerning the planning commission's consideration of a proposed amendment to a specific plan authorizing tattoo parlors as an allowed use. Although the commissioner is an employee of the corporate offices of a bank, of which there is a local branch with a leased property within the planning area, it is not reasonably foreseeable that the decision to allow tattoo parlors would have a material financial effect on the commissioner's interests.

Nicholas R. Ghirelli - [A-25-114](#)

Under the Act, councilmembers are not disqualified from taking part in legislative land use decisions proposed by a nonprofit county club where the councilmembers hold "social" memberships. Based on the facts presented, the memberships are available to the public and the councilmembers paid fair market value for them. Additionally, the membership provides no equity in the country club's property and cannot be transferred or sold for a profit by the officials. Accordingly, the only interests potentially implicated are the councilmember's personal finances and it is not reasonably foreseeable that the proposed changes will have a material effect on the official's personal finances.

Merritt Perry - [I-25-093](#)

A public official's adult child does not qualify as "immediate family" or a "dependent child" for purposes of the Act's conflict provisions. Consequently, unless the official has an economic

interest in the child in some other way, such as where the child is a source of income to the official, the official's interests are not implicated in governmental decisions involving the child's employer.

Conor Hyland - [A-25-111](#)

It is not reasonably foreseeable that a decision amending a specific plan allowing for the development of a 92-acre former oil well site to residential and other uses would have a material financial effect on an official's property located 575 feet from the specific plan boundary, but over 1,000 feet from the project site. Under Commission regulations, because the property is more than 1,000 feet from the project site and the decisions will not generally affect the entire specific plan area, the financial effect of the decision is not material unless rebutted by facts showing a substantial effect on the official's property.

Joseph M. Montes - [A-25-116](#)

Mayor has a disqualifying interest in a historical preservation ordinance decision, which will affect the mayor's ability to make alterations to the mayor's two properties designated as potentially eligible historical resources, and may not take part in the decision. City council members with a single residential real property interest designated as a "contributor property" to a potentially eligible historic district and located within 500 feet of potentially eligible historic resources also have a disqualifying interest. However, because the facts provide that 15 percent of the parcels in each official's jurisdiction are similarly identified as "contributor properties" and that 15 percent of the parcels are within 500 feet of a designated eligible property, the council members can take part in the decisions under the public generally exception as there is no indication of a unique effect on their respective properties.

Section 1090

Rachel Van Mullem - [A-25-075](#)

An official with a residence located 900 feet from an underground oil pipeline does not have a disqualifying interest under the Act in the decisions to approve the transfer of permits to a new owner, operator, and guarantor (and litigation limited to the transfer) because the decisions would not change the official's parcel's development potential, income producing potential, highest and best use, character, or market value. Similarly, the official does not have a financial interest in the decisions solely due to the proximity of the official's property to the pipeline and is not prohibited from taking part in these decisions or in any settlement agreement negotiations under Section 1090.

Jeffrey A. Ballinger - [A-25-089](#)

Under Section 1090, a city may not enter a software contract with a software vendor that has an ongoing business relationship with an independent contractor that has a duty to assist the city in drafting a request for proposals and advise the city in evaluating software vendor bidders for the contract

Jeffrey S. Ballinger - [A-25-096](#)

A mayor has a remote financial interest in a contract between the city and a nonprofit organization to install a flagpole on city property under Section 1091(b)(1) as both an officer and a compensated independent contractor for the organization. Accordingly, the mayor is prohibited

from participating in decisions relating to the contract. However, the city council may still make decisions regarding the agreement so long as the mayor's interest is disclosed and noted in the city council's records, and the mayor properly recuses himself from the proceeding.

Richard D. Pio Roda - [A-25-100](#)

A city councilmember who owns a residence that is part of a homeowners association and located over 1,000 feet from a bike lane improvement project on a traffic corridor street does not have a disqualifying financial interest in the decisions. Similarly, under Section 1090, the councilmember does not have a financial interest in the contract decisions where there is an insufficient connection between the contract decisions and the official's real property interest based on its location, nor any indication of a contract that may result in increased or decreased expenditures or services for the homeowners association and its members.

Megan N. Crouch - [A-25-088](#)

Where the city council is not required to review or approve the hiring decisions that are vested solely with the city manager, Section 1090 does not prohibit a city from entering into the employment agreement with the spouse of a councilmember, so long as the councilmember completely refrains from participating in making the agreement in an official capacity.

Aleks R. Giragosian - [A-25-097](#)

As a general matter, board members for a sanitary district have a disqualifying interest in decisions relating to the modernization of a wastewater treatment facility where their respective residential parcels are located within 500 feet of the facility and will experience construction noise and traffic disruption for several years. However, under Section 1090, the district would not be prohibited from making the design-build contract for the project, as the proximity of a real property interest to the project alone does not establish that an official has a disqualifying financial interest in the contract for purposes of Section 1090. Thus, while the Act prohibits the official with residences within 500 feet from the facility from taking part in the decision, the district is not prohibited from making the contract under Section 1090.

Michael Scott - [A-25-105](#)

Section 1090 does not prohibit the award of an art grant to three advisory board members of a business improvement district where the members did not participate in the request for proposal process or award of the grants and the advisory board had no role in approving or executing the contract.

Mark Paxson - [A-25-107](#)

Under the Act, a board member does not have a financial interest in contemplated agreements with entities to provide funding grants to the official's agency, where the potential funding sources have also provided funds to the official's non-profit entity employer. Section 1090 is not generally applicable to the potential grants, as the official does not have a financial interest in the contemplated agreements solely due to his position and source of income with a non-profit that also received grant funds from the entities.

Joshua Nelson - [A-25-106](#)

Under Section 1090, an independent contractor who provides technical professional expertise in one phase of a project is not precluded from contracting with the entity for future phases of the project when the independent contractor does not engage in or advise on public contracting on behalf of the entity when providing technical expertise in the preliminary stages.

Kristen M. Rogers and Gary S. Winuk - [A-25-115](#)

Section 1090 prohibits a former district board member from gaining a financial interest in a contract by acting as the developer's attorney for a proposal, where the board member participated in the making of the district's First Right to Negotiate agreement with the developer, and the developer wishes to submit a proposal under that agreement.

Commission Opinions

[O-25-001: *In re Winuk*](#)

An opinion concluding that Stanford University should be considered a source of income to City Manager Ed Shikada, which is made most evident by the fact that the Stanford University Board has the authority to appoint and remove members (and fill vacancies) of the Stanford Health Care Board.

Enforcement Matters

The following are summaries of significant enforcement actions approved by the Commission in the past quarter involving violations of the Act's conflicts of interest, revolving door, or statement of economic interests. To receive a monthly report of all enforcement actions, please sign up for our [mailing list here](#).

Statement of Economic Interests Late Filer/Reporter

[In the Matter of Graham Thiel; FPPC No. 25/562.](#) Staff: Christopher B. Burton, Assistant Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Graham Thiel, a former Planning Commissioner and a current City Council Member for the City of Moraga, failed to timely file a 2023 Annual, Leaving Office, and Assuming Office Statement of Economic Interests, in violation of Government Code Sections 87202, 87203, and 87204 (3 counts). **Fine: \$400 (Tier One).**

[In the Matter of Shawn Robinson; FPPC No. 25/646.](#) Staff: Christopher Burton, Assistant Chief of Enforcement and Fela Williams, Staff Services Analyst. Shawn Robinson, a Material and Stores Supervisor I with the Division of Adult Institutions for Centinela State Prison, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

[In the Matter of Lucio Perez; FPPC No. 25/380.](#) Staff: Christopher Burton, Assistant Chief of Enforcement and Fela Williams, Staff Services Analyst. Lucio Perez, an Associate Director with

the Napa County Resource Conservation Center, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

In the Matter of Carey Klingfus; FPPC No. 21/906. Staff: Neal Bucknell, Senior Commission Counsel and Katelin Angeloni, Special Investigator. Carey Klingfus, as a member of the La Habra Heights City Council, failed to timely report income on the 2020 Annual, 2021 Annual, and Leaving Office Statements of Economic Interest, in violation of Government Code Sections 87203, 87204, and 87207 (3 counts). **Fine: \$1,800 (Tier Two).**

In the Matter of Marcus Robinson; FPPC No. 24/381. Staff: Angela J. Brereton, Assistant Chief of Enforcement and Joselyne Soto, Associate Governmental Program Analyst. Marcus Robinson, Planning Commissioner for the City of Montague Planning Commission and current Chairman for the City of Montague Planning Commission, failed to timely file the 2022, 2023 and 2024 Annual Statements of Economic Interests, in violation of Government Code Sections 87200 and 87203 (3 counts). **Fine: \$800 (Tier One).**

In the Matter of Steven Mescher; FPPC No. 24/785. Staff: Angela J. Brereton, Assistant Chief of Enforcement and Shaina Elkin, Associate Governmental Program Analyst. Steven Mescher, as Planning Commissioner for the City of Marysville, failed to timely file their Assuming Office, 2022 Annual, 2023 Annual, and Leaving Office Statements of Economic Interest, in violation of Government Code Sections 87202 and 87203 (4 counts). **Fine: \$600 (Tier One).**

In the Matter of Stevenson Kiang; FPPC No. 24/1013. Staff: Kristin E. Goulet, Commission Counsel. Stevenson Kiang, an Attorney III for the Department of Financial Protection and Innovation, failed to timely file the 2023 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200 (Tier One).**

Legislation

AB 1029 (Valencia) – Disclosure of Digital Financial Assets (Cryptocurrency) **[CHAPTERED]**

Status: Passed in the Assembly (69-0); passed in the Senate (35-0); signed by the Governor and Chaptered on 7/30/25

Short Summary: AB 1029 would revise the definition of “investment” to include a “digital financial asset,” as defined, for purposes of disclosure on the Statement of Economic Interests (Form 700) and the conflict of interest provisions.

Detailed Summary:

Existing law:

- *Statement of Economic Interests:* Existing law requires every elected official and public employee who makes or influences governmental decisions to submit a

Statement of Economic Interest (Form 700). Generally, filers must disclose their financial interests, including investments, income, and interests in real property.

- *Conflicts of interest:* Existing law prohibits a public official from taking part in a government decision if it is reasonably foreseeable that the decision would have a material financial effect on one or more of the official's financial interests.
- *Definition of investment:* Under existing law, "investment" generally means any financial interest in, or security issued by, a business entity that is located in or does business in the jurisdiction that is worth \$2,000 or more. The FPPC Legal Division has previously determined that the existing definition of investment is too narrow to be interpreted to include cryptocurrency.
- *Definition of digital financial asset:* Under existing law in the Financial Code, "digital financial asset" is defined to mean a digital representation of value that is used as a medium of exchange, unit of account, or store of value, and that is not legal tender, whether or not denominated in legal tender, subject to certain exceptions.

Investments: AB 1029 would revise the definition of "investment" in the PRA to include a direct or indirect interest in a "digital financial asset," as defined in the Financial Code. The bill would also make conforming amendments in other sections in the PRA. As an investment under the PRA, digital financial assets would be subject to disclosure on the Form 700 in the same manner as other types of investments and could give rise to a conflict of interest if it was reasonably foreseeable that a government decision would have a material financial effect on the digital financial asset.

Delayed operative date: AB 1029 will become operative on January 1, 2027.

AB 1286 (Boerner) – Disclosure of Prospective Employment

Status: Passed in the Senate on 7/17/25 (35-0); passed in the Assembly on 8/25/25 (76-0); enrolled and presented to the Governor on 9/2/25

Short Summary: AB 1286 would require the Statement of Economic Interests (Form 700) filers listed in Section 87200 to disclose arrangements for prospective employment on their Form 700s.

Detailed Summary:

Existing law; prospective employment: Existing law prohibits a public official from making, participating in making, or using the public official's official position to influence, any governmental decision directly relating to any person with whom the public official is negotiating, or has any arrangement concerning, prospective employment.

Existing law; code filers: Public officials listed in Section 87200 or designated in their agency's conflict of interest code are required to file Statements of Economic Interests (Form 700s).

New disclosure on Form 700: AB 1286 would require the public officials listed in Section 87200 to disclose on the Form 700 an "arrangement for prospective employment," defined in the bill to

mean “an agreement pursuant to which a prospective employer’s offer of employment has been accepted by the prospective employee, including through verbal or written acceptance.”

Content of disclosure: Under AB 1286, public officials required to disclose prospective employment must disclose (1) the date that the filer accepted the prospective employer’s offer of employment, (2) the business position, (3) a general description of the business activity of the prospective employer, and (4) the name and street address of the prospective employer.