



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

To: Chair Miadich and Commissioners Baker, Ortiz, Wilson, and Wood
From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Subject: Advice Letter Report
Date: February 26, 2024

The following advice letters have been issued since the January 26, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the March 21, 2024, 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](#)

Campaign funds raised while a ballot measure committee was candidate controlled must be disbursed pursuant to Regulation 18521.5(d)(1-3) because they were raised for a candidate controlled committee. However, the funds need not be disbursed pursuant to subdivision (d)(3) exclusively as a result of an effective termination when the committee became noncandidate controlled, because Regulation 18521.5(d)(3) is permissive in nature.

Conflict of Interest

Michael J. Maurer

[A-23-182](#)

Mayor with two rental properties may take part in decision regarding housing implementation plan including rent stabilization and tenant protection measures under the public generally exception. Notwithstanding a reasonably foreseeable material financial effect on the official's interests, the proposed plan would apply to all residential rental properties within the City other than those excepted by the Costa-Hawkins Rental Housing Act. Under Regulation 18703(e)(4), the financial effect is indistinguishable from that on the public generally.

Cindie K. McMahon

[A-24-011](#)

Under the Act's conflict of interest provisions, Mayor Pro Tem is prohibited from proposing and taking part in decisions involving gun control related secure storage laws due to the impermissible nexus between the proposed laws and income received in the previous 12 months as a director for a non-profit organization focused on gun violence prevention specifically including secure storage laws.

Revolving Door

Dyana Valencourt

[I-24-014](#)

Former agency employee is prohibited under the one-year ban from making appearances or communications in certain proceedings before her former agency as a consultant. However, the one-year ban does not prohibit the former employee from making appearances or communications before her former agency as a part of services performed to administer, implement, or fulfill the requirements of an existing permit, so long as those services do not involve the issuance, amendment awarding or revocation of the permit during the one-year ban period. The Act's permanent ban prohibits the former employee from participating in certain proceedings involving specific parties, or even assisting others in the proceedings, if the former employee previously participated in the proceedings while employed by the state agency, regardless of whether the proceeding is before the former employee's prior agency. The permanent ban would apply to an incidental take permit a former state employee previously participated in.

Section 84308

John Bakker

[A-24-004](#)

A proceeding affecting parking rules for an entire downtown specific plan area, affecting many and diverse interests, does not qualify as a proceeding involving a license, permit, or other entitlement for use for purposes of Section 84308. Additionally, under Section 84308, the circumstances in which an officer "knows or has reason to know" about a proceeding include where the officer has actual knowledge of the proceeding, which may predate the publication of a meeting agenda relating to the proceeding.