



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich and Commissioners Baker, Wilson, and Wood
From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Subject: Advice Letter Report
Date: July 29, 2022

The following advice letters have been issued since the June 30, 2022, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the August 18, 2022, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Sarah J. Knecht

[A-22-032](#)

Notwithstanding a potential conflict of interest resulting from their respective slip and live-aboard permits, Harbor Commissioners may take part in the decisions regarding the permit fees under the public generally exception so long as the decisions are considered separately and will not impact a decision regarding the slip transfer fee decision. The public generally exception applies because the slip permit and live-aboard permit fee proposals adjust the amounts of the fees for broadly provided public services in an amount that applies equally, proportionally, or by the same percentage to all slips. Commissioners are prohibited, however, from taking part in the slip transfer fee decision because it is reasonably foreseeable that the decisions will have a material effect on the Commissioners' interests in their personal finances. Moreover, the public generally exception does not apply to the proposed transfer fee decision because the proposed fees would apply disproportionately depending on the size of the slip.

Jeffrey A. Walter

[A-22-069](#)

Mayor may not take part in a City Council decision affecting a business's ability to offer normally prohibited check cashing services when the Mayor owns a rental property 260 feet from the proposed business location and there is no clear and convincing evidence the decision will not have a measurable impact on the mayor's rental property.

Scott E. Porter

[A-22-078](#)

Councilmember may take part in decisions relating to a proposed 42-unit residential development despite her spouse owning a periodontal practice located within 1,000 feet of the proposed site. Based on the facts provided, the spouse's month-to-month lease does not constitute a real property interest for purposes of the Act. Moreover, considering the small scope

of the proposed development, the niche clientele of the periodontal practice, and that the practice relies mostly on referrals, it is not reasonably foreseeable the development will have a material effect on the Councilmember's interests in the practice.

Section 1090

Taylor M. Anderson

[A-22-066](#)

Under the Act and Section 1090, Councilmember may take part in City Council decisions affecting members of a union employed by the City, despite also being a member of and receiving health care benefits through that union, where the limited scope of the decisions would not have a reasonably foreseeable, material financial effect on the Councilmember's employer as a source of income or on his personal finances, nor would it implicate a financial interest in a contract.