



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

To: Chair Silver and Commissioners Brandt, Ortiz, Wilson, and Zettel

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

Subject: **Advice Letter Report**

Date: December 30, 2025

The following advice letters have been issued since December 1, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the January 15, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Phaedra A. Norton - [A-25-137](#)

The mayor pro tem is prohibited from taking part in governmental decisions involving a major residential community development project. While the parcels on which construction will occur are further than 500 feet from the official's residence, the residence is located less than 500 feet from property, which will be designated as "open space-parks," under the proposal. Pursuant to applicable Commission regulations, it is reasonably foreseeable that the decision will have a material financial effect on the official's interest in the residence, absent clear and convincing evidence that the decision will not have a measurable effect on the property.

David M. Fleishman - [A-25-140](#)

The Act prohibits a city councilmember with a short-term rental permit from taking part in the adoption of a proposed ordinance that would establish new requirements and restrictions applicable to the official's rental property. Additionally, the public generally exception does not appear to apply to the facts presented. As an existing short-term rental owner, the official is uniquely affected in comparison to properties that are not operated as rental properties, and preexisting short-term rentals are not subject to the same restrictions as new applicants for short-term rentals under the proposal.

Keith Collins - [A-25-143](#)

The city manager, whose residence is located on a street that currently dead-ends 1,400 feet away from the residence, has a disqualifying interest in litigation decisions related to the opening of the street, because the circumstances of the decisions rebut the presumption that the decisions would not be material. Based on the information provided, the opening of the street potentially determines whether a large, undeveloped area will be made available for further development. Accordingly, the decisions involve future development, traffic, and construction that may change the character of his residential street by allowing large-scale development, which will be primarily accessible through the official's street.

Section 84308**Andrea Sorce - [A-25-109](#)**

Under Section 84308, the city mayor may take part in decisions related to a community facilities district tax affecting a specific geographic area, notwithstanding a contribution of \$500 or less in the previous 12 months from a property owner within the district. Section 84308 does not apply to contributions of \$500 or less, so long as the decisions occur after January 1, 2025.

Additionally, Section 84308 and the Act do not prohibit the mayor from taking part in decisions regarding ongoing litigation merely because opposing counsel represented the mayor's spouse in another case against the city or because the firm's managing partner contributed \$100 to the mayor's campaign in 2024. Section 84308 does not apply to a \$100 contribution. Moreover, while the mayor has a source of income interest in the payor of the settlement, the source of the settlement is the city, not the law firm.

Section 1090**Olivia Clark - [I-25-132](#)**

The interim city manager, who is a former employee of the county sheriff's office and current president of the sheriff's foundation, does not have an interest in the sheriff's office, sheriff's foundation, or current sheriff under the Act unless the entities or individuals are a source of income or gifts. Thus, the city manager is not disqualified from decisions affecting these entities or individuals unless the decisions may also implicate his interests under the Act including his business and personal finances. Generally, neither the Act nor Section 1090 prohibits an official, acting solely in his private capacity, from contracting with a governmental entity outside the jurisdiction of the official's agency, so long as the official does not act or purport to act on behalf of the agency.

Joshua Nelson - [A-25-134](#)

When an agency consultant has a financial conflict under Section 1090, the consultant's agency may enter into the contract so long as the employee plays no role in the contracting process. Additionally, where a consultant's client is a named subcontractor in a potential contract with the consultant's agency, the consultant has a source of income interest that would be materially financially affected by the contract and, consequently, the Act prohibits the consultant from taking part in the contracting process.

Heidi von Tongeln - [A-25-153](#)

A city councilmember, also employed by a housing production advocacy 501(c)(3) organization, has a disqualifying source of income interest in the nonprofit organization under the Act's nexus test and may not take part in upcoming housing production decisions by the city. Under Section 1090, the official has only a remote interest in city decisions related to a settlement agreement for pending housing production-related litigation as an employee of the nonprofit organization. The city may enter into such an agreement, provided the official does not participate in any manner and recuses in accordance with the Act and Section 1091.

Josh G. Varinsky - [A-25-155](#)

The mayor, who is also employed by a local business, is disqualified from taking part in an easement decision by the city allowing a county water agency to build a pipeline for wastewater. While the pipeline increases the water agency's capacity, wastewater would be delivered to the local business for its "beneficial" use. Thus, the local business is explicitly involved in the easement decision, and it is reasonably foreseeable that the decision will have a material effect on the business. Under Section 1090, the city may make the easement decision under the rule of necessity in order to provide the essential service of facilitating water services for its residents, so long as the official does not participate in any manner.

Rachel Van Mullem - [A-25-163](#)

An official, with a residence located eight feet from an underground oil pipeline, is disqualified from taking part in decisions to approve the transfer of ownership, operation, and guarantor and the transfer of the existing permits to the new pipeline owner. Under applicable Commission regulations, it is reasonably foreseeable that the decisions will have a material financial effect on the official's property interest unless there is clear and convincing evidence to establish no impact on the property. However, based on the facts provided, there are community-wide concerns over the impacts of the pipeline on nearby properties and groundwater, and the facts fail to establish that the decisions will not have an impact on the official's residence. Notwithstanding the fact that the official must recuse under the Act, Section 1090 is not applicable to these facts. For purposes of Section 1090, an official does not have a financial interest in a contract solely due to the proximity of the official's property to the pipeline.