



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: March 28, 2025

The following advice letters have been issued since the February 28, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the May 15, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Nicole McCance

[A-24-095](#)

A city planning commissioner may participate in decisions regarding the second phase of a multiphase project so long as the decisions are properly segmented and the first phase decisions, involving a commercial development, are final and will not be reopened. Moreover, the commissioner is presumed not to have a disqualifying conflict of interest in the decisions and may take part in the decisions because the commissioner's property is more than 1,000 feet from the property subject to the decisions.

Michel J. Garcia

[A-25-028](#)

Three council members have conflicts of interest in decisions involving a master plan and environmental impact report to transform a flood control canal into a linear park because it is reasonably foreseeable that the decisions will have a material financial effect on their real property interests, all located within 1,000 feet of the canal. However, the "public generally" exception allows one of the council members to take part in the decisions because the decision affects a significant segment of residential properties, and the official's residence will not be uniquely affected.

Marilyn Vierra

[I-25-029](#)

A public official receiving income from a family trust has an interest in property held in the trust. Accordingly, the official is prohibited from taking part in governmental decisions regarding a commercial property and battery energy storage facility that experienced a major fire adjacent to the official's property interest, absent clear and convincing evidence the governmental decision would have no measurable impact on the property.

Mira Saleh

[A-25-033](#)

Given the scope of the nature of decisions and physical barriers between the city-owned event center and a councilmember's residential real property located between 500 and 1,000 feet away,

it is not reasonably foreseeable that the decisions relating to professional event services management for the event center would affect the development potential, income-producing potential, highest and best use, character, or market value of the councilmember's residence. Accordingly, the council member does not have a conflict of interest under the Act and may take part in these decisions.

Catherine C. Engberg[A-25-037](#)

An official with a personal residence just under 1,000 feet from an open space area does not have a disqualifying financial interest in decisions permitting low-intensity public access to the open space, including related parking lot along a main roadway, interior trails, and connections to regional trails. Because the residence is separated from the open space area by two residential blocks, does not have views of the area, is in a heavily wooded area, and would not be impacted by traffic, it is not reasonably foreseeable the decisions will have a material financial effect on the residence.

Revolving Door**Hinnaneh Qazi**[I-25-025](#)

The one-year ban prohibits a former Deputy Cabinet Secretary in the Governor's Office from taking part in meetings and other communications with agencies under the Governor's direction and control if the purpose of the communication is to influence legislative or administrative action. However, the former official can assist a client, colleague, or other individual in communicating with her former agency so long as she is not identified in connection with the communication.

Section 1090**Scott E. Huber**[A-24-043](#)

Section 1090 does not prohibit a town from providing funds through a first-time home buyer program to a recipient client, who will subsequently contract with a council member in the council member's private capacity to purchase or construct a home. While the council member took part in prior decisions establishing the first-time home buyer program, the council member has a noninterest in the loan between the town and the recipient. However, under the Act, the council member may not make, participate in making, or attempt to influence any decisions concerning loans to clients in which he has a source of income interest.

Ronald Kopf[A-25-021](#)

Section 1090 does not prohibit a utility district from entering into agreements to provide water and sewer services to a board member's private development project. The rule of necessity applies and allows the district to enter a contract providing these public services. However, the interested board member must abstain from any participation in his official capacity. Additionally, the official may not attempt to influence any decision of agency staff related to the project under the Act. Therefore, another representative of the board member's company must make any communications between the company and the district.

Pamela Galera[A-24-096](#)

The Act prohibits the city parks director from taking part in decisions to contract with a company when the director is in a dating relationship with the president of the company and has an interest in the company president as a source of gifts because it is reasonably foreseeable that the contract will have a material financial effect on the director's interest in a source of gifts. Upon marriage, the Act would similarly prohibit the director from taking part in the decision to contract with the company because it is reasonably foreseeable that the contract would have a material financial effect on the director's interest in the company as a source of income. Under Section 1090, as long as the director completely abstains from making or participating in the potential contract, Section 1090 would not prohibit the city from entering a contract with the company.

Statement of Economic Interest**Terri Robinson**[A-24-146](#)

Under Regulation 18700(c)(2)(A)(iii), a committee of a state agency, which makes substantive recommendations that have been regularly approved without significant amendment or modification over an extended period of time, possesses decision-making authority and does not serve in a solely advisory capacity. Accordingly, the members of the committee are public officials. Their positions must be designated within the agency's conflict of interest code, and the members must file statements of economic interest.

Katie Doerr[I-25-031](#)

A planning commissioner must report individual securities held in a third-party managed account because the "mutual fund exception" to reporting investments does not apply to an account if the securities are held directly by the investor rather than as part of a pooled fund, or if the investor can exclude investments in specific companies rather than just general categories of stocks.