



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: May 30, 2025

The following advice letters have been issued since the April 25, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the June 19, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Campaign

Tiffany Morales

[A-25-061](#)

In connection with an August 26, 2025, special election in the County of Riverside, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 17, 2025, covering the period from the day after the closing date of the last statement filed, through July 12, 2025.

Cecilia Vela

[A-25-062](#)

In connection with an August 26, 2025, special election for the City of Arvin, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 17, 2025, covering the period from the day after the closing date of the last statement filed, through July 12, 2025.

Margie Hieter

[A-25-068](#)

In connection with an August 26, 2025, special general election in Assembly District 63, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 17, 2025, covering the period from the day after the closing date of the last statement filed, through July 12, 2025.

Landon Sudholt

[A-25-069](#)

In connection with an August 26, 2025, special election for the County of Calaveras, committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 17, 2025, covering the period from the day after the closing date of the last statement filed, through July 12, 2025.

Lily Gutierrez[A-25-074](#)

In connection with an August 26, 2025, special election for the County of San Bernardino, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-election statement. The combined statement will be due on July 17, 2025, covering the period from the day after the closing date of the last statement filed, through July 12, 2025.

Conflict of Interest**Heather L. Stroud**[A-25-017](#)

Councilmember, who is the chief operating officer of a company that provides management services to client businesses that are all owned by the owner of the company, has an economic interest in the owner as a source of income. Moreover, it is reasonably foreseeable that decisions regarding a project on an eight-acre site containing a previously unfinished project will have a material effect on the owner due to the potential effects on seven of the owner's businesses in close proximity to the project site, including two adjacent to the project. Accordingly, the councilmember may not take part in the decisions.

Rachel Van Mullem[A-25-043](#)

A county supervisor, who has an interest in a restaurant, does not have a conflict of interest in decisions regarding regulations applicable to the sidewalk and roadside food vendors, which merely apply the same health and safety requirements applicable to brick-and-mortar restaurants to the vendors. Under these circumstances, it is not reasonably foreseeable that applying these regulations to the vendors would result in a sufficient change in competition with a material effect on the restaurant or leasehold interests. Additionally, the supervisor is not prohibited from taking part in decisions to adjust fees assessed on restaurants countywide, where the proposal before the county would decrease the fee applicable to the supervisor's business by \$19 annually. Even to the extent the County considers further changes to the fee, it is not reasonably foreseeable that the fee would have a material final effect on the business or leasehold interest.

Jeff Malawy[A-25-044](#)

Under the public generally exception, two city councilmembers may take part in governmental decisions related to a proposed Parking Management Plan, despite owning real property within the affected area, where: (1) the decisions affect residential real property limited to a specific location encompassing more 50 residential real properties or five percent of the jurisdiction's residential real properties; (2) the decisions establish, amend, or eliminate ordinances restricting on-street parking; and (3) the City Council has gathered sufficient evidence to support the need for the action at the specific location.

Rebecca Moon[A-25-047\(a\)](#)

An official is disqualified from taking part in decisions regarding a bike lane project in light of additional information regarding a proposed alternative that would redirect traffic flow to the official's residential street and adjacent to the official's residence. Based on this proposed alternative, it is reasonably foreseeable that the decision would have a material financial effect on the official's property by changing its character and potentially its market value. This advice

superseded previous advice that the official was not disqualified based on the newly proposed alternative.

Zaynah N. Moussa

[A-25-060](#)

A councilmember is disqualified from taking part in the proposed transit project decisions. Based on the facts provided, it is reasonably foreseeable that the project and accompanying traffic and public safety mitigation will have a material financial effect on the councilmember's property interests, which are located within 500 feet of several proposed mitigation projects.

Melissa M. Crosthwaite

[A-25-050](#)

Even if decisions intended to address industrial air and other emissions will have a material financial effect on the councilmember's leasehold interest in his residence, the facts indicate that the financial effect on the interest is indistinguishable from the financial effect on the significant segment of residential properties in the official's jurisdiction and that the financial effect on the official's interest will not be unique. Accordingly, the public generally exception applies, and the official may participate in the decisions.

Jose M. Sanchez

[A-25-051](#)

The Act prohibits a public official from taking part in governmental decision relating to the location of a proposed development of a minor league soccer team and "entertainment district" aimed at boosting the local economy and local businesses, given that the official owns a vacant lot approximately 1,400-1,600 feet away from two of the potential sites of the proposed stadium and entertainment district.

Amy S. Ackerman

[A-25-054](#)

The Act prohibits a councilmember from taking part in decisions related to a proposed affordable housing development project consisting of 99 units and increasing the density allowed on the proposed project site, which is currently a vacant office building. Given the specifics of the project and that the project is located approximately 375 feet from the official's apartment complex, it is reasonably foreseeable that decisions concerning the project will impact his use and enjoyment of his apartment.

Christopher Cardinale

[A-25-055](#)

A councilmember is not prohibited from taking part in governmental decisions regarding real property located near his residence that is rented on a month-to-month basis. Based on the facts provided, the councilmember does not have a financial interest in the decision based on the lease because a month-to-month lease is not considered a real property interest, and the rental amount, which is below market value, is not a gift under the Act's exception for gifts from parents. Additionally, there are no indications of any effect the decision would have on the councilmember's personal finances. Accordingly, the councilmember is not prohibited from taking part in the decisions under the Act. However, under these circumstances, we caution that the common law doctrine against conflicts of interest should be considered and analyzed before the official takes part in the decisions.

Kane Thuyen[I-25-057](#)

Under the Act, a councilmember is generally prohibited from taking part in governmental decisions relating to tenant-protection regulations, landlord-related regulations, and related funding decisions, where such decisions would establish restrictions on his property interests or impact his tenants' income by \$1,000 or more. Additionally, where a councilmember has four rental units, the public generally exception is unlikely to apply due to the cumulative effect on the councilmember's multiple interests.

David Nam[A-25-064](#)

An official whose residence is within a proposed moderate fire hazard zone has a disqualifying financial interest in the decisions relating to the property's inclusion in zone and development criteria that may apply to the parcel regarding the zone because it is reasonably foreseeable that the decisions will have a material financial impact on the official's property. Additionally, an official whose residential real property is located 500 feet from a proposed zone is presumed to be disqualified from the decision under applicable regulations. However, under the public generally exception, this official may participate where the facts establish that more than 15 percent of the residential parcels in the city are affected and the effect on the official's residential parcel is not unique compared to the effect on the significant segment.

Gifts**Adrienne Barnes**[A-25-041](#)

A charter school administrator may accept a scholarship to attend an educational tour without violating the Act's gift limits. The scholarship is provided by the tour administrator but is not a gift and falls within the bona fide competition gift exception because the scholarship selection process included a large pool of school leaders from across the country, and the recipients all received the same award. However, the value of the scholarship must be reported as income on the official's statement of economic interests.

Revolving Door**Doug Middleton**[A-25-066](#)

The Act's one-year ban does not apply to tax audits. Thus, the one-year ban does not prohibit a former state employee from appearing before or communicating with a former state agency to represent potential clients in connection with the agency's tax audit proceedings. However, we note that the permanent ban prohibits the former employee from "switching sides" and representing others on any audits that he worked on or supervised during his employment at the agency.

Section 1090**Andrew B. Gagen**[A-24-139](#)

For a district decision to waive the district's attorney-client privilege attached to the legal opinion in which a board member is the subject of and named in the legal opinion, the board member's stipend is excluded from the definition of "income" under the Act. Moreover, it is not reasonably foreseeable that the decision will have a material financial effect on the member's

personal finances because there is no indication that the decision would provide the board member with a financial benefit or loss. Under Section 1090, the decision to waive the district's attorney-client privilege regarding the legal opinion does not constitute the making of a contract. Thus, the board member is not prohibited from taking part in the decision under the Act, and Section 1090 does not apply.

John S. Doimas**[A-25-019](#)**

The Act prohibits a councilmember from taking part in any decisions where her nonprofit employer is a named party in, or the subject of, the decision. For those decisions where the nonprofit is not explicitly involved, she is prohibited from taking part in any decision if it is reasonably foreseeable that the decision will have a material effect on her financial interest in the nonprofit. Under Section 1090, to the extent the councilmember has a financial interest in a contractual decision, the remote interest exception under Section 1091(b)(1) may apply to allow the city to contract with the councilmember's nonprofit employer so long as she satisfies the requirements under Section 1091(a).

Alisha Patterson**[A-25-024](#)**

Under the Act, a councilmember who owns residential rental properties is potentially disqualified from taking part in city council decisions regarding tenant protection measures. However, because the official owns three or fewer residential rental properties, the public generally exception pertaining to governmental decisions on rental properties will apply to permit his participation so long as the ordinances apply to all other residential rental properties and the official has no other interests impacted by the decisions other than the interests resulting from the residential rental properties. Under Section 1090, based on the facts provided, we cannot determine whether owning residential rental properties constitutes an interest in a contract until a potential contract is identified.

Elizabeth Martyn**[A-25-034](#)**

Under Section 1090, a city council and an airport district may contract with each other for the lease of a building, despite the bodies having a common member, so long as that member's non-interest is disclosed to each agency and noted in the agencies' respective records.

Joshua Nelson**[A-25-052](#)**

Section 1090 does not prohibit a district from entering into an agreement for the final design of a project where the consultant performed preliminary work on the same project under an initial agreement that was not specific to the project. Under the initial agreement, the consultant did not assist with preparing any procurement documents related to the final design of the project. While the initial agreement included a provision that the consultant assist the district in preparing final bidding documents, the agreement was not specific to the project, and the consultant never engaged in or advised on public contracting on behalf of the district such that it would be considered an "officer" under Section 1097.6.

Steven Touchi[A-25-059](#)

Under the Act, senior engineer who has a small shareholder interest in a potential bidder on an operations, maintenance and monitoring contract valued at \$5.9 million per year, has a disqualifying financial interest in decisions related to the scope of work of the contract or the qualifications of bidders where it is reasonably foreseeable that the decisions would have a material financial effect on the potential bidder. Under Section 1091.5(a)(1), the official has a noninterest in the potential bidder, and the agency is not prohibited from making the contract with the potential bidder where the official previously participated in work that may form the basis for the new contract.

Section 84308**James Sutton**[I-25-045](#)

Section 84308 prohibits agents from making contributions to officers while entitlement for use proceedings are pending and for 12 months after a final decision has been reached by the agency. An employee of an entity that is a party or participant in a proceeding does not qualify as an “agent,” even if they perform work relating to the proceeding, if the employee does not communicate with the agency for the purpose of influencing the proceeding.