



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:** January 30, 2026

---

The following advice letters have been issued since December 25, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the February 13, 2026, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### Conflict of Interest

**Kevin G. Ennis - [A-25-135](#)**

Under the Act, a housing board member is permitted to take part in governmental decisions involving regulations affecting landlord-tenant rights, the review of recent legislation, and subsequent decisions relating to the implementation of that legislation. While it is reasonably foreseeable that the decisions may have a material effect on the board member's four rental properties, as well as the residence she rents as a tenant, the facts provided indicate that the public generally exception applies as the decisions will have an effect on a significant segment of the public and there is no indication of a unique effect on the official's interests.

**Karl H. Berger - [A-25-147](#)**

Based on his employer's projected revenue of approximately \$18 million, it is reasonably foreseeable that decisions concerning the data center project will have a material financial effect on the councilmember's employer, an energy company. Additionally, it is reasonably foreseeable that decisions concerning a separate capital improvement project will have a material financial effect on the councilmember's real property interest, located within 500 feet of the project. Accordingly, the councilmember is prohibited from taking part in these decisions, and facts do not indicate that the public generally exception applies.

**Justin Hopkins - [A-25-152](#)**

District board members are prohibited from participating in governmental decisions regarding a new water rate structure that would increase the water rate assessed to a small number of the district's water customers, including themselves, because the decision would have a financial effect on their respective real properties. The public generally exception, including the specific exception for public services and utilities, does not apply to the decisions because the decisions would implement a new rate structure.

**Kane Thuyen - A-25-166**

A city councilmember is prohibited from taking part in governmental decisions involving the budget allocation for rental property-related regulations and programs because it is reasonably foreseeable that the decisions would have a material financial effect on his economic interest in four residential rental properties. Moreover, the public generally exception does not apply due to the cumulative effect on the councilmember's four properties.

**Ryan R. Plotz - A-25-167**

Improvement district director has a disqualifying financial interest in a decision to award a construction contract to build a multi-court sports facility on a district-owned parcel because it is reasonably foreseeable that the decision will have a material effect on property 378 feet from the parcel, which is owned by a limited liability company in which her spouse has a one-third ownership interest. The public generally exception does not apply because the official has not established that a significant segment is affected by the decision, and the facts indicate that the decision will have a unique effect on the official's property and its tenant (a brewery and restaurant), given that it is within close walking distance of the project.

**Section 1090****Joshua Nelson - A-25-133(a)**

An agency is not prohibited from entering into a contract with a bidder under Section 1090 where the agency's former adviser on the contract has no financial interest in the bidder, had no participation in the bidder's response to a request for proposals, and their short-term independent contract work for the bidder has ended and was wholly unrelated to the contract.