



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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March 5, 2025

Hinnaneh Qazi
925 L Street, Suite 350
Sacramento, CA 95814

Re: Your Request for Informal Assistance
Our File No. I-25-025

Dear Ms. Qazi:

This letter responds to your request for advice regarding the “one-year ban” provisions of the Political Reform Act (the “Act”).¹ Because your question is general in nature, we are treating your request as one for informal assistance.²

Please note that we are only providing advice under the post-government employment provisions of the Act. We therefore offer no opinion on the application, if any, of other post government employment laws, such as Public Contract Code Section 10411.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Under the Act, as a former Deputy Cabinet Secretary in the Governor’s Office, will the “one-year ban” prohibit you from taking part in certain meetings and other communications with state agencies, as discussed below, until one year has passed since you left state office?

CONCLUSION

Yes. Because the Governor’s Office includes any state administrative agency subject to the direction and control of the Governor, the one-year ban prevents you from appearing before or communicating with such an agency for the purpose of influencing an administrative action. This

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

prohibition includes the attendance of a meeting or communications regarding the implementation of existing statutes and regulations with your former agency. However, you can assist a client, colleague, or other individual in communicating with agencies that are subject to the direction and control of the Governor, so long as you are not identified in connection with the communication during the one-year ban.

FACTS AS PRESENTED BY REQUESTER

You served as Deputy Cabinet Secretary in the Governor's Office. Your last day of service in that role was August 29, 2024. You understand you are subject to the "one-year ban" until August 30, 2025.

You recently started a new role at the County Welfare Directors Association of California (CWDA), a nonprofit organization, as Deputy Director of Budget and Fiscal Policy. In that role, you advise your organization's leadership and county members on key state budget issues and support development and implementation of budget proposals and fiscal policy across human services programs.

As counties implement and administer many state human services programs, and CWDA represents county human services agencies when it comes to the implementation of existing policies and laws and also collaborates with state agencies on obtaining and analyzing data, you are seeking guidance on the permissibility of certain interactions under the "one year ban," as detailed below:

1. Your organization regularly meets with state agencies and departments to collaborate on the implementation of adopted statutes, regulations, and other policies. Your position would also meet with state agencies and departments on implementing guidance to effectuate adopted statutes or regulations, specifically to discuss and understand budget methodologies, county allocations, county claiming requirements, among other issues. In these instances, your organization often provides technical assistance, reviews proposed implementing guidance (in the form of All Counter Letters or County Fiscal Letters), shares feedback or concerns, and discusses timelines to ensure they are feasible. These exchanges are held both in meetings and via email.
2. As a representative of county human services departments, your position would also typically meet with state agencies and departments to better inform current and future budget projections, estimates, and costs. This can include data collection, co-creating and distributing surveys, discussing improvements in data methodologies, and data evaluation. The vast majority of these discussions are for programs or policies that are already adopted under current law or regulations. The information discussed helps inform the agency/department's estimates in the Governor's Budget/May Revision or allocations of approved expenditures by the Legislature. This also includes troubleshooting technical issues with the data. These are often discussed in meetings, but there is also often email back and forth where spreadsheets or methodologies are shared for discussion.
3. Your organization holds recurring meetings with staff at state agencies and departments. The agenda for these meetings typically includes discussions relating to #1 and #2 above and discussions pertaining to publicly available information that you believe would be

disclosable under the Public Records Act. Occasionally, these discussion may involve other items. For example, someone in your organization may request the department consider extending the expenditure deadline for a grant program, which may require changes in law. Under the one year ban, would it be permissible for you to participate in these recurring meetings with various agenda items if you were to log off during any agenda items that that may be advocacy-oriented (such as when a colleague requests the department make a change to an expenditure deadline)? Would it be permissible to join portions of meetings that are not advocacy- or influence-oriented but remove yourself from the meeting if advocacy topics are raised by your coworkers?

4. Your organization and its members, the 58 county human services departments across the state, are sometimes invited to working groups hosted by the State Administration to help inform the Administration's development of programs and policies. During these, the Administration presents findings or proposals, and publicly available information is primarily discussed. Dozens of county staff may participate, and county members may ask questions and provide feedback on the Administration's perspective. Would it be permissible for you to listen-in on these working groups, as long as you do not attempt to advocate or influence the Administration during these working groups?

ANALYSIS

Under the Act, public officials who leave state service are subject to two types of post-governmental employment provisions known as the "one-year ban" and the "permanent ban." Colloquially, these provisions are known as the "revolving door" prohibitions. You have requested advice specifically relating to the one-year ban.³

The one-year ban prohibits a former designated employee of a state administrative agency from making, for compensation, any formal or informal appearance or making any oral or written communication before the employee's former agency for the purpose of influencing any administrative or legislative action⁴ or any discretionary act involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. (Section 87406(d)(1); Regulation 18746.1.) "'Administrative action' means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding" (Section 82002(a).)

A formal or informal appearance or oral or written communication is for the "purpose of influencing" if it is made for the principal purpose of supporting, promoting, influencing, modifying, opposing, delaying, or advancing the action or proceeding. An "appearance" or

³ General information regarding both the one-year ban and permanent ban are available on our website at fppc.ca.gov.

⁴ "Legislative action" is defined as the "drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity." (Section 82037)

“communication” includes, but is not limited to, conversing by telephone or in person, corresponding with in writing or by electronic transmission, attending a meeting, and delivering or sending any communication. (Regulation 18746.2(a).) The ban applies for 12 months from when the employee leaves state office or employment permanently. (Section 87406(d)(1).)

A state administrative agency of a designated employee of the Governor’s office includes any state administrative agency subject to the direction and control of the governor. (Section 87406(d)(2).) Further, we have advised that the “entire executive branch” is subject to the direction and control of the Governor. (*Williams* Advice Letter, No. A-20-100; *Sheehy* Advice Letter, No. A-10-155; *Davidian* Advice Letter, No. A-97-171; *Zaramberg* Advice Letter, No. A-92-038; and *Sybert* Advice Letter, No. I-93-380.)

Section 87406 specifically states that a former state official may not have any contact with any officer or employee of the official’s former agency for any of the prohibited purposes. The prohibitions include any oral or written communication. Therefore, regardless of who initiates the contact, a former official of the Governor’s Office may not personally communicate with executive branch officials to influence legislative or administrative action or one of the enumerated proceedings noted above if the former official is compensated for doing so. (*Tobias* Advice Letter, No. A-96-089; *Cook* Advice Letter, No. A-95-321; *Craven* Advice Letter, No. A-93-057.) The former official may receive general information concerning anything that is a matter of public record, but may not act as a liaison for a specific request pending before the Governor’s office and state administrative agencies under the direction and control of the Governor’s office. (*Tobias* Advice Letter, *supra*.)

The above prohibitions notwithstanding, it is also important to note that communications with an agency that are not for the purpose of influencing administrative or legislative action are not restricted by Section 87406. For example, an ex-employee can attend informational meetings with the agency or request information from the agency concerning existing laws, regulations, or policies so long as the employee does not attempt to influence administrative or legislative action. (See *Bagatelos* Advice Letter, No. I-91-202; and Regulations 18746.2(b), 18202(a)(1).) Certain other informal contacts may not be considered influencing. For example, a former official may carry on a social conversation if the conversation is not intended to influence administrative or legislative action. (*Tobias* Advice Letter, *supra*.) The Commission has also advised that while a former agency official is subject to the one-year ban, the former official may draft proposals on a client’s behalf to be submitted to the agency so long as the former official is not identified in connection with the client’s efforts to influence administrative action. (*Cook* Advice Letter, No. A-95-321; *Harrison* Advice Letter, No. A-92-289.) Similarly, the ex-employee may use their expertise to advise clients on the ex-employee’s former agency’s procedural requirements, plans, or policies so long as the ex-employee is not identified with the employer’s efforts to influence the agency. (*Perry* Advice Letter, No. A-94-004.)

Whether a particular meeting or conversation is for the purpose of influencing legislative action will depend on the individual facts of the case. For instance, if an ex-employee attends a public meeting with numerous other attendees where there are several topics discussed, it may be possible to infer that mere attendance is not for the purpose of influencing the official’s former agency’s action. Conversely, where there is a small informal meeting to discuss a particular administrative or legislative action, it may be inferred that the ex-employee’s mere presence at the

meeting is intended to influence agency action. Therefore, whether the ex-employee may attend such a meeting depends greatly on the facts of that particular meeting and the ex-employee's intentions in attending the meeting.

As a former official in the Governor's Office, you are prohibited from making, for compensation, any formal or informal appearance or making any oral or written communication before the executive branch and any state administrative agencies under the direction and control of the Governor's office for the purpose of influencing any administrative or legislative action or any discretionary act involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. (Section 87406(d)(1); Regulation 18746.1.) Each of the scenarios you have described involves attending meetings with your former agency or potentially providing some level of "feedback" to your former agency. As a general matter, this "feedback" appears to meet the definition of an appearance or communication for the purpose of influencing the agency's administrative actions. Therefore, you may not appear before or communicate with your former agency in regard to your first and second scenarios involving providing data and/or feedback related to the implementation of adopted statutes and regulations. You may, however, use your expertise to advise CWDA on your former agency's procedural requirements, plans, or policies so long as you are not identified with CWDA's efforts to influence the agency. You may attend informational meetings with the agency or request information from the agency concerning existing laws, regulations, or policies but you may not attempt to influence administrative or legislative action in any manner.

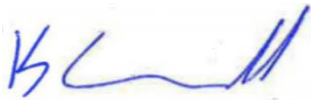
With respect to your third scenario, you could not avoid implicating the one-year ban by leaving or logging out of a meeting at the point before a colleague attempts to influence an administrative action. In such instances, you would still be "appearing before" your former agency, and your association with the communication made by your colleague(s) would still be apparent. (See Regulation 18746.2(a) [stating that attending a meeting constitutes an "appearance" for purposes of the one-year ban].) In contrast, for your fourth scenario, assuming you were merely listening to a call, your name was not visible, and you were not otherwise identified as associated with any communication or appearance by another individual made for the purpose of influencing any administrative action, this would generally be permissible under the one-year ban.

We encourage you to contact us for additional advice if you have any questions regarding a specific meeting or other prospective communication, as we may be able to provide more definitive guidance with respect to a particular set of facts.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Dave Bainbridge
General Counsel

By: 
Kevin Cornwall
Senior Counsel, Legal Division

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