



CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811 • (916) 322-5660

November 14, 2025

Andrew Quinn
Assistant Deputy Director
Caltrans

Re: Your Request for Informal Assistance
Our File No. I-25-127

Dear Mr. Quinn:

This letter responds to your request for advice regarding the post-governmental employment (“revolving door”) provisions of the Political Reform Act (the “Act”).¹ Because your request for advice is general in nature, we are treating it as a request for informal assistance.²

Please note that we are providing advice only under the post-governmental employment provisions of the Act. We therefore offer no opinion on the application, if any, of other post-governmental 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.

QUESTIONS

1. Under the Act’s “one-year ban,” are you prohibited from representing your new employer, HNTB, or communicating with Caltrans after leaving state service?
2. Under the Act’s “permanent ban,” are you prohibited from working on any Caltrans projects involving HNTB or other firms after leaving state service?

CONCLUSIONS

1. Under the one-year ban, you are prohibited from appearing before or communicating with Caltrans, your former agency, as described below, for one year after leaving state service.

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).)

The one-year ban does not prohibit your proposed employment with HNTB. However, the one-year ban prohibits your appearance before or communication with Caltrans on behalf of HNTB during the one-year period, unless one of the exceptions detailed below applies.

2. The permanent ban prohibits you from “switching sides” and participating or assisting in proceedings involving the State of California and specific parties if you previously participated in the proceedings while employed by Caltrans.

FACTS AS PRESENTED BY REQUESTER

You are currently employed by Caltrans as Assistant Deputy Director, Roadway Pricing, within the Division of Planning and Modal Programs. You joined Caltrans in October 2022, and you will be joining HNTB, a private consulting and engineering firm that performs work for Caltrans and other transportation agencies across the state, in October 2025.

During your tenure with Caltrans, you have not awarded any contracts to HNTB, have not supervised or managed HNTB as a consultant, have not evaluated proposals from HNTB, nor have you overseen any work by the firm.

In a follow-up email, you clarified that at Caltrans, you were tasked with developing equitable roadway pricing policies and strategies in collaboration with regional and local transportation agencies across California. You serve as a representative, subject matter expert, and public spokesperson on roadway pricing strategies and initiatives in existing work groups, policy discussions at the national, state, and regional levels, and at public meetings, including California Transportation Commission meetings. Your duties include overseeing consultant contracts, but not with HNTB directly. While you had general oversight of consultant procurements, you did not have direct decision-making authority over contract awards or budget allocations. You did not have direct project or budget oversight authority, and you did not develop any regulations while at Caltrans. You also confirm that you did not supervise any staff. You were personally and substantially involved in procurements for consultant contracts but did not manage or oversee any contracts involving HNTB. You were not involved in any permit or license proceedings.

ANALYSIS

Public officials who leave state service are subject to two types of post-governmental employment provisions under the Act, the “one-year ban” and the “permanent ban”. These restrictions are commonly referred to as the “revolving door” prohibitions.³

The One-Year Ban

The “one-year ban” prohibits a former state employee from making, for compensation, any formal or informal appearance or making any oral or written communication before the former state official’s former agency for the purpose of influencing any administrative or legislative actions or

³ We note that the “revolving door” provisions also prohibit public officials from taking part in governmental decisions directly relating to any person with whom the public official is negotiating, or has any arrangement concerning, prospective employment.

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; Regulation 18746.1.)

The one-year ban applies to any employee of a state administrative agency who holds a position designated or should be designated in the agency's conflict-of-interest code. (Section 87406(d)(1); Regulation 18746.1(a)(2).) The ban applies for twelve months after the employee permanently leaves state office or employment. While in effect, the one-year ban applies only when a former employee or official is being compensated for their appearances or communications before their former agency on behalf of any person as an agent, attorney, or representative of that person. (Regulation 18746.1(b)(3) and (4).)

In contrast to the permanent ban, which only applies to some issues involving specific parties, such as “judicial or quasi-judicial” proceedings, the one-year ban applies to “any appearance or communication made to influence administrative or legislative action or influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.” (Regulation 18746.1(b)(5).) An appearance or 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.” (Regulation 18746.2.) Appearance or communication includes but is not limited to conversing by telephone or in person, corresponding in writing or by electronic transmission, attending a meeting, and delivering or sending any communication. (Regulation 18746.2.)

Appearances and communications are prohibited only if they are: (1) before a state agency that the public official worked for or represented; (2) before a state agency “whose budget, personnel, and other operations are subject to the direction and control” of the state agency the public official worked for or represented; or (3) before any state agency subject to the direction and control of the Governor if the official was a designated employee of the Governor’s office during the twelve months before leaving state office or employment. (Regulation 18746.1(b)(6).)

You have indicated that your role as Assistant Deputy Director included general oversight and coordination of roadway pricing policy efforts. Based on your description, your role was or should have been included in the agency’s conflict of interest code and, therefore, the one-year ban applies to you. As an Assistant Deputy Director, you will be subject to the one-year ban beginning on the date you leave state employment. During this one-year period, you are prohibited from appearing before or communicating with Caltrans as a paid consultant for the purpose of influencing any administrative, legislative, or discretionary action, to the extent that such action involves the issuance of a permit, license, grant, contract, or sale of goods or property. Appearances and communications in those contexts are prohibited if they are before Caltrans or before a state agency “whose budget, personnel, and other operations are subject to the direction and control of” Caltrans. (Regulation 18746.1(b)(6).)

However, you will not be prohibited under the one-year ban from performing work as an employee of HNTB on matters involving Caltrans that do not require you to appear before or communicate with Caltrans. We have advised that a former agency official may, without violating the one-year ban, draft proposals on a client’s behalf to be submitted to their former agency, so long

as the former employee 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, a former agency official may use his or her expertise to advise clients on the procedural requirements, plans, or policies of the official's former agency so long as the employee is not identified with the new employer's efforts to influence the agency. (*Perry* Advice Letter, No. A-94-004.) Thus, you may advise on or draft proposals, contracts, or policy materials related to Caltrans, so long as you are not identified in connection with HNTB's efforts to influence such actions.

In addition, you are not prohibited under the one-year ban from making appearances or communications before Caltrans as a part of services performed to administer, implement, or fulfill the requirements of an existing contract, so long as those services do not involve the issuance, amendment, awarding, or revocation of the contract during the one-year ban period and you are not otherwise prohibited under the permanent ban. (Regulation 18746.1(c).)

The Permanent Ban

The "permanent ban" prohibits a former state employee from "switching sides" and participating or assisting, for compensation, in certain proceedings involving the State of California and other specific parties if the proceeding is one in which the former state employee participated while employed by the state. (Sections 87401 and 87402; Regulation 18741.1.) The permanent ban applies when an official has permanently left or taken a leave of absence from any particular office or employment. (Regulation 18741.1(a)(1).)

The permanent ban applies to every "state administrative official," which is defined as "every member, officer, employee or consultant of a state administrative agency who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity." (Section 87400(b).)

The permanent ban is a lifetime ban and applies to any formal or informal appearance or any oral or written communication - or aiding, advising, counseling, consulting, or assisting in representing any other person, other than the State of California, in an appearance or communication - made with the intent to influence certain judicial, quasi-judicial, or other proceeding in which the former state official participated while serving as a state administrative official. "'Judicial, quasi-judicial or other proceeding' means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency...." (Section 87400(c).)

Additionally, an official is considered to have "participated" in a proceeding if the official took part in the proceeding "personally, and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation, or use of confidential information..." (Section 87400(d).) Further, a former supervisor has "participated" in any "pending" proceeding before the official's former agency and under the former supervisor's authority. A proceeding is under a supervisor's "supervisory authority" if the supervisor:

- Has duties that include primary responsibility within the agency for directing the operation or function of the program where the proceeding is initiated or conducted.

- Has direct supervision of the person performing the investigation, review, or other action involved in the proceeding;
- Reviews, discusses, or authorizes any action in the proceeding; or
- Has any contact with any of the participants in the proceeding regarding the subject of the proceeding. (Section 87400(d); Regulation 18741.1(a)(4).)

However, proceedings are not under an official's "supervisory authority" merely because the supervisor is responsible for the general oversight of the administrative actions or functions of a program, where the responsibilities concerning the specific or final review of the proceedings are expressly delegated to other persons in the agency's structure and the supervisor is not involved in the actual proceedings. (Regulation 18741.1(a)(4); see also *In re Lucas* (2000) 14 FPPC Ops. 15.)

Based on the facts you have provided, you did not participate personally and substantially in any particular proceedings involving HNTB, nor were any proceedings involving HNTB under your supervisory authority, and you did not supervise staff. Therefore, it appears the permanent will not prohibit you from taking part in any proceeding before Caltrans that involves HNTB. We recommend that you seek additional advice if you anticipate working on any specific Caltrans project, contract, or other proceeding that may relate to work you performed while employed by Caltrans, if you are still uncertain of how the one-year ban or permanent ban would apply to you.

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

Sincerely,

Dave Bainbridge
General Counsel



By: Lauren Moran
Law Clerk, Legal Division

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