



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

May 25, 2016

Daniel J. Calabretta
Deputy Legal Affairs Secretary
Office of the Governor
State Capitol, Suite 1173
Sacramento, CA 95814

Re: **Request for Exemption of the Governor's Military Council; Regulation 18751(c)(3)
Our File No. E-16-008**

Dear Mr. Calabretta:

This is in response to your May 9, 2016 request for an exemption from the requirement to file a conflict of interest code on behalf of the Governor's Military Council. (See Gov. Code, § 87300.)

Your exemption request is approved because the Council satisfies the three criteria in the Commission's regulation. (Cal. Code Regs., tit. 2, § 18751, subd. (c)(3).) First, the Council does not meet the regulatory definition of a "decisionmaking authority." (Cal. Code Regs., tit. 2, § 18700, subd. (c)(2)(A) and (B).) It is a statutorily-created entity with advisory functions only. (Mil. & Vet. Code, §59.) Second, the Council does not have the statutory authority to acquire real property. (*Id.*) And, in your request you represent that the Council has no plans to acquire real property in the future. Third, your request states that the Council's annual operating budget is \$80,000, which is well below the \$150,000 threshold in the regulation.

Please note that interested parties may submit a request that this approval be reconsidered by the Commission within 30 days after the exemption is granted. If such a request is made, the Chair will consider that request and if, in her discretion, good cause exists for reconsideration, she will schedule the matter for a hearing before the Commission. (Cal. Code Regs., tit. 2, § 18751, subd. (j).)

Upon being issued, the exemption remains in effect until the basis for the grant of exemption no longer exists or the expiration of two years, whichever occurs earlier. (Cal. Code Regs., tit. 2, § 18751, subd. (m).)

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

Sincerely,

/s/

Erin V. Peth
Executive Director

EVP:lkh