

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

June 19, 1984

Michael J. Siegel
Attorney at Law
P.O. Box 162447
Sacramento, CA 95816

Re: Advice Letter No. A-84-145

Dear Mr. Siegel:

Thank you for your request for information concerning the conflict of interest provisions of the Political Reform Act. Because you are not the representative of a person who has obligations under the Act, I can only provide you with general information.

FACTS

The Chief Executive Officer of the Fabric Care Board, under the Department of Consumer Affairs, executes the directions and policies of the Board regarding Business and Professions Code Sections 9500-9599.8.

In his private capacity, the CEO acts as the attorney for crime victims who are applying for restitution from the Board of Control under Government Code Sections 13959, et seq.^{1/}

Sections 13959, et seq., provide for the indemnification of private citizens who are crime victims. Section 13965(c) provides that the Board of Control can authorize payments of attorney's fees for legal services rendered to an applicant, as long as the amount does not exceed 10% of the victim's award, or \$500, whichever is less.

^{1/} Hereinafter all statutory references are to the Government Code, unless otherwise indicated.

QUESTION PRESENTED

Does the Political Reform Act prevent the CEO from representing crime victims who are applying for restitution from the Board of Control?

DISCUSSION

The Political Reform Act does not, in any way, prevent a public official from engaging in private employment, or from recovering money from public entities. Rather, the Act requires an official to abstain from certain governmental decisionmaking. Section 87100 prohibits a public official from making, participating in the making, or in any way attempting to use his official position to influence,^{2/} a decision in which he knows or has reason to know he has a financial interest. An official has a "financial interest" in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect^{3/} on:

(a) Any business entity in which the public official has a ... investment worth more than one thousand dollars (\$1,000).

* * *

(c) Any source of income . . . aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made....

(Section 87103(c))

If, after reading this letter and the enclosed pamphlet entitled "A Guide to the Political Reform Act of 1974," you have an questions, please feel free to contact me at (916) 322-5901. I cannot advise you on whether any

^{2/} These terms are defined in the enclosed copy of 2 Cal. Adm. Code Section 18700.

^{3/} The phrase "material financial effect" is explained in the enclosed copy of 2 Cal. Adm. Code Section 18702.

Michael J. Siegel
June 19, 1984
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provisions outside of the Political Reform Act are applicable to the situation you have presented.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel
Legal Division

JSM:plh
Enclosures

State of California



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May 31, 1984

Michael J. Siegel
Attorney-at-Law
P.O. Box 162447
Sacramento, CA 95816

Re: A-84-145

Dear Mr. Siegel:

Your letter requesting advice under the Political Reform Act has been referred to Janis Shank McLean, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:plh

MICHAEL J. SIEGEL
Attorney at Law

P.O. Box 162447
Sacramento, CA 95816
(916) 445-1241

May 29, 1984

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Fair Political Practices Commission
Legal Division
1100 K Street
Sacramento, CA 95814

Dear Sirs:

An opinion is hereby requested as to whether illegal Conflict-of-interests exists in the following situation:

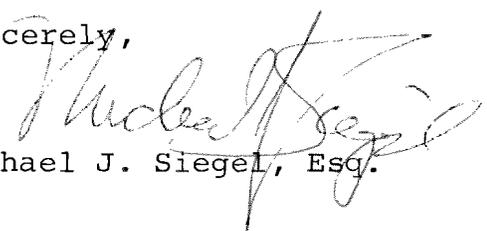
The Chief executive Officer of the Fabric Care Board (Dept. of Cons. Aff. licensing board) is charged with execution of the directions and policies of the Fabric Care Board, in carrying out the regulations and enforcement provisions of B&PSS 9500-9599.8.

The CEO, an attorney licensed to practice law in California, also privately and on his own time represents crime victims in applying for victim restitution from the Board of Control under Gov. Code § 13959 et seq. Please note that, although his clients are the crime victims, he gets paid for these services directly from the BOC under Gov. CS 13965.(d).

Is the CEO, either legally or morally, in any kind of conflict of interest. position such that he should - or must- discontinue his Victim Restitution representation?

An immediate response to this inquiry would be appreciated. Please contact the undersigned if further information or explanation is needed.

Sincerely,


Michael J. Siegel, Esq.

MJS/go
