

State of California



Fair Political Practices Commission

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(916) 322-5662 322-5660 322-5901 322-6441

September 13, 1984

Natalie E. West
Berkeley City Attorney
2180 Milvia Street
Berkeley, CA 94704

Re: Advice Letter No. A-84-²³⁹~~329~~

Dear Natalie:

I was pleased with our meeting on August 29, and I hope that we will have more such meetings in the future. As you know, we are still working on drafts of Regulations 18700, 18701 and 18702, and it is likely to be some time before the Commission formally resolves the issues of interpreting what it means to use one's official position to influence a governmental decision. In the meantime, we are advising that when an official who sits on an agency disqualifies himself or herself from a decision because of a financial interest the official must not:

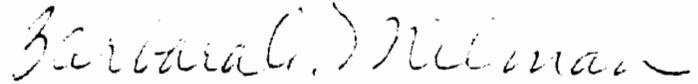
- (a) Represent any other person with respect to that decision before the agency, or any other agency which it controls as set forth in 2 Cal. Adm. Code Section 18700(e);
- (b) Communicate either orally or in writing with any other member of such an agency with respect to the decision.

Pending action by the Commission on a new or amended regulation on this issue, an official will not be deemed to be using his or her official position to influence a decision solely because the official advises the party to be affected by the decision, prepares plans or other documents which will be used by the party or the party's representative in connection with the decision, or communicates with members of the public or the media respecting the decision on behalf of the party.

Natalie E. West
September 13, 1984
Page 2

When we have a draft of our proposed regulation we will send it to your for comments by your Committee. In the meantime, you may want to distribute copies of this letter to the members of the Committee.

Very truly yours,

A handwritten signature in cursive script that reads "Barbara A. Milman".

Barbara A. Milman
General Counsel

BAM:plh