

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

December 14, 1984

Daniel L. Briggs
12600 Central Avenue
Chino, CA 91710

Re: Your Request for Advice
Our File No. A-84-290

Dear Mr. Briggs:

Thank you for your request for advice concerning your obligations as a member of the Chino City Council under the conflict of interest provisions of the Political Reform Act.^{1/} The following advice is provided pursuant to Section 83114(b).

FACTS

You have informed us that you are a director of BRT Architects, Inc. There are two other directors, Syed Raza and Clemente Troncoso.

You, Mr. Raza, and Mr. Troncoso all have employment and investments other than BRT Architects, Inc. Therefore, each director is involved in business activities that are separate from BRT Architects, Inc., and in which BRT Architects, Inc., and the other directors have no financial involvement.

QUESTION

You have asked if you may participate in City Council decisions affecting the business activities of Mr. Raza and Mr. Troncoso when those business activities are separate from BRT Architects, Inc.

^{1/} Government Code Sections 81000-91014. All statutory references are to the Government Code unless otherwise noted.

DISCUSSION

The Political Reform Act prohibits a public official from making, participating in, or using his official position to influence a governmental decision in which the official has a financial interest. Section 87100. A public official has a financial interest in a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect on, among other interests:

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

* * *

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, 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.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

Section 87103.

Assuming that your investment in BRT Architects, Inc., exceeds \$1,000, or that you have received more than \$250 from the corporation during the last 12 months, you must refrain from participating in any decision which could have a material financial effect on BRT Architects, Inc. In addition, if you hold more than a 10 percent interest in BRT Architects, Inc., you must not participate in any decision which could materially affect any investments or any interests in real property held by the corporation or any sources of income to the corporation.^{2/}

^{2/} The income of an individual is defined to include a pro rata share of any income of a business entity in which the individual has a 10 percent or greater interest. Section 82030(a). For example, if you own a one-third interest in BRT Architects, Inc., any client of the corporation who has paid the corporation \$750 or more during the previous 12 months would be considered a source of income to you.

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Unless you have received \$250 or more in income from Mr. Raza or Mr. Troncoso directly, your business relationship with them in BRT Architects, Inc., does not, by itself, create a basis for requiring disqualification.^{3/}

If you have any question regarding a specific fact situation, please feel free to contact me at (916) 322-5901.

Very truly yours,



Kathryn E. Donovan
Counsel
Legal Division

KED:plh

^{3/} The Commission reached a different conclusion in its Opinion Requested by Steven F. Nord, 8 FPPC Opinions 6 (No. 83-004) when the persons were involved in a partnership, not a corporation.

Mr. Daniel L. Briggs
12600 Central Avenue
Chino, CA 91710

NOV 20 05 PM '84

November 20, 1984

State of California
Fair Political Practices Commission
1100 "K" Street Building
Sacramento, CA 95814

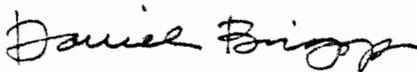
Reference: Request for Opinion and Advise/Government Code Section
83114.

Dear Sirs,

I have enclosed a letter stating specific circumstances of which
I wish your opinion and advise.

Your careful consideration at your earliest convenience would be
greatly appreciated.

Respectfully submitted,



Daniel L. Briggs

DLB:mma