

# 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

May 31, 1985

Robert Heywood, Administrator  
West Side Hospital District  
110 East North Street  
Taft, CA 93268

Re: Your Request for Advice  
Our File No. A-85-096

Dear Mr. Heywood:

Thank you for your letter requesting advice on behalf of a member of the Board of Directors of the West Side Hospital District regarding his duties under the conflict of interest provisions of the Political Reform Act.<sup>1/</sup>

### QUESTION

Under the Political Reform Act, may a member of the Board of Directors participate in the Board's decision to hire his spouse as a laboratory technician?

### CONCLUSION

Under the Political Reform Act, a member of the Board of Directors may participate in the Board's decision to hire his spouse as a laboratory technician.

### ANALYSIS

Section 87100 prohibits a public official from making, participating in, or attempting to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

The Political Reform Act prohibits public officials from making decisions affecting their private financial interests. Therefore, the Political Reform Act generally does not prevent a

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Robert Heywood, Administrator  
May 31, 1985  
Page 2

public official from making decisions which would affect his or her income from a government agency. See Section 82030(b)(2) (salary from a government agency is not "income" for purposes of the Political Reform Act).

Accordingly, the Political Reform Act does not prohibit a member of the Board of Directors of the Hospital District from participating in the Board's decision to hire his spouse as a laboratory technician.<sup>2/</sup>

This advice is limited to the provisions of the Political Reform Act. However, I suggest you seek advice from your County Counsel or the attorney for your hospital district regarding Section 1090, which prohibits public officials from participating in certain contract decisions in which they have a financial interest.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Very truly yours,



Kathryn E. Donovan  
Counsel  
Legal Division

KED:nwm

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<sup>2/</sup> The Commission is considering adopting Regulation 2 Cal. Adm. Code Section 18702.1 (see enclosed copy of notice and proposed text). If this regulation is adopted, the Political Reform Act would prohibit a public official from making, participating in, or using his official position to influence a decision if the personal income of the official or his or her immediate family will be increased or decreased by at least \$250 by the decision. Proposed Regulation 2 Cal. Adm. Code Section 18702.1(a)(4).



April 22, 1985

Fair Political Practice Commission  
P. O. Box 807  
Sacramento, CA 95804

Attention: Barbara Milman, General Counsel

Dear Ms. Milman:

Your assistance is requested in commenting on the appropriateness of our plans to employ the spouse (wife) of an elected member of our Board of Directors.

The details are as follows: In the process of recruiting for a replacement laboratory technician, the wife of the District Boards' Secretary applied and from all indications, is fully qualified to handle the responsibilities of the position.

The Board member in question is an independent businessman working in the field of commercial photography with a local business address. Additionally, I am not aware of any other business activity of this Board member that would possibly have a direct relationship (commerce) between the hospital's laboratory operation and such business interests.

I trust that you find this brief outline of the situation satisfactory and that we can look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Heywood".

Robert Heywood  
Administrator

RH:ps

# Memorandum

To : File No. A-85-096

Date : July 15, 1985

From : **FAIR POLITICAL PRACTICES COMMISSION**

Kathy Donovan *Ked*

Subject : Deadline Extension

On May 20, 1985, I received a call from the secretary for Robert Heywood of the Westside Hospital District regarding his request for advice. I informed her that we saw no conflict of interest situation, and that we would be sending a letter to that effect on May 23 or shortly thereafter. She indicated that a prompt answer would be appreciated, but agreed to an extension beyond May 23.