



California Fair Political Practices Commission

December 26, 1986

Dave Terrill
Fair Management Consultant
Division of Fairs and Expositions
Department of Food and Agriculture
1010 Hurley Way, Suite 200
Sacramento, CA 95825

Re: Your Request for Informal
Assistance
Our File No. I-86-337

Dear Mr. Terrill:

You have written on behalf of your agency seeking informal assistance with respect to conflict of interest issues which might arise under the Political Reform Act (the "Act").^{1/}

QUESTION

Is there any conflict of interest under the Act if your agency simultaneously contracts with Simulcast Enterprises, Inc., to transmit off-track-betting signals, and with its president, Allan Balch, to manage a horse show for one of the district fairs at which the simulcast will occur?

CONCLUSION

Under the facts presented, two separate, simultaneous contracts of the nature described would not represent a conflict of interest under the Act.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Sections 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

Our advice is limited to the provisions of the Act. For advice on other provisions of law, such as Section 1090 and the state contracting law, your agency should contact the Attorney General's office.

Dave Terrill
December 26, 1986
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FACTS

The Earl Warren Showgrounds (19th District Agricultural Association) intends to enter into an agreement with Simulcast Enterprises, Inc., to handle the transmission of simulcast wagering signals ("off-track betting") to their showgrounds. This contract is being negotiated by the California Authority of Racing Fairs (on behalf of the 19th D.A.A.) along with agreements for several other fairs.

At the same time, Allan Balch, president of Simulcast Enterprises, Inc., is being offered a contract (as an individual) to manage a horse show for the 19th D.A.A. in July. Mr. Balch is not an officer or employee of the 19th D.A.A. and has no involvement in the selection process for either of the contracts in question, nor will he have any decision-making authority as horse show manager that will impact in any way on his own income from his company's simulcasting work with the 19th D.A.A..

ANALYSIS

The Act prohibits any "public official" from making, participating in making, or using his official position to influence any governmental decision in which he has a financial interest. (Section 87100.) A financial interest in a decision exists when the provisions of Section 87103 (copy enclosed) are met.

In this instance, Mr. Balch is performing a specific and limited function over a relatively short time period (i.e., the duration of the fair). In his individual role as horse show manager, he has no role in making governmental decisions regarding the agreement with his company, Simulcast. Those decisions, as well as the decision to hire Mr. Balch to manage the horse show, are being made by public officials who are employees of your agency. We have been provided with no facts to indicate that any of these public officials have any financial interest in either of these decisions.

Should you have any questions regarding this advice, you may reach me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

DMG:REL:plh

Memorandum

F P P C

To : Robert Leidigh, Counsel
Legal Division
Fair Political Practices Commission
P. O. Box 807
Sacramento 95804

DEC 15 9 40 AM '86 Date : December 11, 1986
Place : Sacramento

From : **Department of Food and Agriculture** - 1010 Hurley Way, Suite 200
Sacramento 95825

Subject: Conflict of Interest Opinion

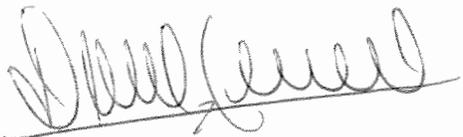
Thank you for the information you gave me during our recent conversation and your offer to reiterate, in writing, your opinion.

To briefly restate the issue, the Earl Warren Showgrounds (19th District Agricultural Association) intends to enter into an agreement with Simulcast Enterprises, Inc., to handle the transmission of simulcast wagering signals to their showgrounds. This contract is being negotiated by the California Authority of Racing Fairs (on behalf of the 19th DAA) along with agreements for several other fairs.

At the same time, Allan Balch, president of Simulcast Enterprises, Inc., is being offered a contract (as an individual) to manage a horse show for the 19th DAA in July.

Mr. Balch is not an officer or employee of the 19th DAA and has no involvement in the selection process for either of the contracts in question, nor will he have any decision making authority as horse show manager that will impact in anyway his own revenue as a result of his company's simulcasting work with the 19th DAA.

Your written opinion as to any potential conflict of interest on the part of Mr. Balch or the 19th DAA under the conditions stated, will be greatly appreciated. Please contact me if you require more information.



Dave Terrill
Fair Management Consultant
Division of Fairs and Expositions
(916) 924-2108

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California Fair Political Practices Commission

December 19, 1986

Dave Terrill
Fair Management Consultant
Division of Fairs and Expositions
1010 Hurley Way, Suite 200
Sacramento, CA 95825

Re: 86-337

Dear Mr. Terrill:

Your letter requesting advice under the Political Reform Act was received on December 15, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh