



California Fair Political Practices Commission

June 15, 1987

James J. Coughlin
Coughlin & Schmitt
51 East Foothill Boulevard
Arcadia, CA 91006

Re: Your Request for Advice
Our File No. 87-152

Dear Mr. Coughlin:

You have written seeking advice concerning the duties of former Duarte City Manager Ken Caresio under the conflict of interest provisions of the Political Reform Act (the "Act").^{1/} The Commission provides advice to persons whose duties under the Act are in question. (Section 83114.) We do not provide advice relating to past conduct, nor do we provide advice to third parties about another person's duties under the Act unless that person authorizes the request. (Regulation 18329(b)(8)(A), (B).)

Your request deals with past conduct, and it does not appear that Mr. Caresio has authorized you to request advice. Therefore, we are unable to advise you in this matter. If you believe that the Act has been violated, you may contact our Enforcement Division at this address or by telephone at (916) 322-6441.

Sincerely,

Diane M. Griffiths
Diane M. Griffiths
General Counsel
by Ked

DMG:plh

^{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 Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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JAMES J. COUGHLIN
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(916) 447-8141
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June 4, 1987

CALIFORNIA FAIR POLITICAL
PRACTICES COMMISSION
P.O. Box 807
Sacramento, California 95804-0807

Gentlemen:

Please be advised that I am the Acting City Attorney for the City of Duarte and its Redevelopment Agency. The Council/Board has raised an inquiry regarding a possible conflict of interests, and/or unfair political practice by the City's former City Manager and Executive Director of said Agency, Ken Caresio.

I have been instructed to request an opinion from you, given the following facts:

1. Mr. Caresio resigned on January 9, 1987 from the City of Duarte, as said City Manager and Executive Director. Concurrently, with said resignation, and immediately thereafter, Mr. Caresio became employed as a Senior Vice President of Chilton and O'Connor, an underwriting firm in Los Angeles, California. The said resignation of Mr. Caresio severed all employment ties with said City and said Agency.
2. On May 19, 1987, at a meeting of the City Council/Community Redevelopment Agency, it was resolved to hire Chilton and O'Connor as underwriter for the sale of tax allocation bonds to refund tax allocation bonds issued in 1978, as part of the City's/Agency's amended Davis Addition Project Area. On June 2, 1987, said Council and Agency Board resolved to sell said bonds, and have executed the necessary documents for same, including a purchase contract with Chilton and O'Connor, as purchaser of said bonds.
3. From January 10, 1987 to the present, Mr. Caresio has been an employee of said Chilton and O'Connor, as Senior Vice President.

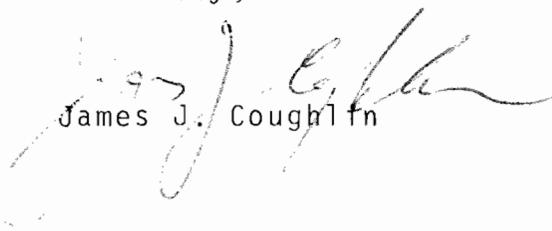
Would you advise me on behalf of said City and Agency, at your earliest convenience, as to whether or not Mr. Caresio has engaged in any activity resulting in a conflict of interests, or unfair political practices, in regard to the given transactions. Thank

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PRACTICES COMMISSION

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you for your consideration in this matter.

Cordially,


James J. Coughlin

JJC:em
cc: Jess Duff, City Manager
City of Duarte