



California Fair Political Practices Commission

June 15, 1988

John D. Flitner
City Attorney
City of Rohnert Park
6750 Commerce Boulevard
Rohnert Park, CA 94927

Re: Our File No. I-88-217

Dear Mr. Flitner:

We have received your letter requesting formal written advice on behalf of yourself and Rohnert Park Rent Board Members Ralph Jones and Ron Militello.

In our letter of May 10, 1988, we provided informal assistance pursuant to Regulation 18329(c) because your letter stated only a general question and did not advise us of specific decisions pending before the Rohnert Park Rent Board. Your letter also contained insufficient facts about Mr. Jones' and Mr. Militello's economic interests for us to provide specific advice. Your new request for formal written advice provides no additional information about particular decisions pending before the board or the economic interests of Mr. Jones and Mr. Militello.

Conflict of interest advice depends on the particular facts of the governmental decision and the economic interests of the public officials in question. Thus, conflict of interest advice must be determined on a case-by-case basis, after all material facts are provided. Because your letters do not contain all the material facts about specific pending decisions of the Rohnert Part Rent Board and the board members' economic interests, we cannot provide formal written advice at this

time. The informal assistance we previously provided is the only response we can make unless we have additional information from you.

In the future, if you wish to request formal written advice concerning a specific pending decision of the Rohnert Park Rent Board, we would need the following information:

- (1) A description of the pending decision.
- (2) A statement concerning whether Mr. Jones or Mr. Militello has any clients who are "appearing before" the board in connection with the decision, within the meaning of Regulation 18702.1.
- (3) A statement concerning whether Mr. Jones or Mr. Militello has any clients whose expenses are likely to be affected by \$250 or more in a year, or whose mobile homes are likely to be affected by \$1,000 or more, as a result of the decisions.
- (4) Facts which indicate whether a significant segment of the population of Rohnert Park are likely to be affected by the pending decision in substantially the same manner as Mr. Jones' or Mr. Militello's clients.
- (5) A statement concerning whether the gross revenues of either Mr. Jones' or Mr. Militello's businesses are likely to increase or decrease by \$10,000 or more in a year as a result of the pending decision.

If you wish to obtain advice concerning a specific pending board decision, we would be pleased to provide formal written advice upon submission of these material facts. If you have any questions concerning this letter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan
By: Kathryn E. Donovan
Counsel, Legal Division

CITY OF ROHNERT PARK

6750 Commerce Boulevard
Rohnert Park, Sonoma County, California 94927
Telephone 795-2411

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June 7, 1988

Ms. Kathy E. Donovan, Counsel
Legal Division, Fair Political Practices Commission
428 J Street, Suite 800
P. O. Box 807
Sacramento, California

Re: Your File No. I-88-116

Dear Ms. Donovan:

Thank you for your informal opinion dated May 10, 1988, regarding the above matter. The Rohnert Park Rent Board noted footnote 2 on page 1 of your letter wherein it is stated that informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice.

The members of the Rent Review Board are appointed to serve without compensation and would appreciate it very much, as would I, if the Commission would issue an opinion or provide formal written advice so that the parties involved, so long as they conduct themselves within the constraints of the opinion or advice, can rely on it and the accompanying immunity.

Would you therefore please consider this letter as a request for an opinion or formal written advice.

Thank you for your consideration in this matter.

Very truly yours,



JOHN D. FLITNER
CITY ATTORNEY