



# California Fair Political Practices Commission

December 13, 1988

Honorable Kay Wilson  
City Councilmember  
City of Santa Paula  
123 North Tenth St.  
Santa Paula, CA 93060

Re: Your Request for Advice  
Our File No. I-88-420

Dear Councilmember Wilson:

This is in response to your request for advice regarding your responsibilities under the conflict-of-interest provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because your question relates to past conduct, we are unable to provide you with advice regarding your participation in the decisions in question. (Regulation 18329(b)(8)(A), copy enclosed.)

Should you be faced with a decision affecting the same or similar interests in the future, we would be happy to provide you with advice regarding your responsibilities under the Act at that time.

Sincerely,

Diane M. Griffiths  
General Counsel

By: Lilly Spitz  
Counsel, Legal Division

DMG:LS:plh

Enclosure

---

<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

FPPC  
Oct 31 10 54 AM '88  
Kay Wilson  
123 North Tenth St.  
Santa Paula, CA 93060

October 25, 1988

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804-0807

Attention: Lilly Spitz

It has been brought to my attention that I may have erred in voting on a development on the hillsides of Santa Paula at last night's Council meeting. The development passed 4-0 with one abstention by a Council member whose home is adjacent to this project at 713 Loma Vista.

The project is for 69 homes on 50+ acres. The developer asked for 73 homes along with a request for variance which was denied.

In May of 1988, one of my real estate agents listed for sale a home immediately adjacent to this bareland for \$450,000. The owners had not yet found a home of their choice and were testing the market for price. On June 20, 1988, after finding that home in Ventura, they reduced the price to \$395,000, which was our original estimate of value. On September 3, 1988, the owners received an offer for \$395,000 which they accepted and that escrow is scheduled to close on December 2, 1988.

Full disclosure was made to the buyers relative to the proposed project which they felt would do two things: decrease the element of privacy in this exclusive area, but at the same time would upgrade the area; the result being no net effect on value.

It is my understanding that the fee appraisal indicated no net effect on the value by the proposed project. Our real estate sign was taken down and the home is now vacant.

I did participate in the discussion by the Council; however, my own determination of "no conflict" may be in error. Will you please review these facts and assist me in this matter. If I have erred, please advise on what corrective action I must take at this point.

If you will remember, I discussed with you a few weeks ago whether or not I had a conflict with voting on the City's Rent Control Ordinance in view of the fact that my company has listings in mobile home parks.

Fair Political Practices Commission  
Page 2

You indicated in that conversation that I would have a conflict only if the value of the coach was affected by the ordinance. I view this current situation to be similar in that the value of this house on Loma Vista was not affected by the proposed development.

Please call me at (805) 525-5523. Obviously, I need to move quickly on this matter.

Sincerely yours,



Kay Wilson  
Council Member  
City of Santa Paula

cc: Phil Romney, City Attorney  
Bob Livingston, City Administrator  
City Council  
City Clerk



# California Fair Political Practices Commission

November 1, 1988

Kay Wilson  
123 North Tenth Street  
Santa Paula, CA 93060

Re: 88-420

Dear Ms. Wilson:

Your letter requesting advice under the Political Reform Act was received on October 31, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz, 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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

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,

*Kathryn G. Donovan*  
for  
Diane M. Griffiths  
General Counsel

DMG:plh