

Memorandum

To : File No. T-88-448

Date : March 3, 1989

From : **FAIR POLITICAL PRACTICES COMMISSION**
Kathryn Donovan

Subject: Telephone Advice to Robert S. Drake

The attached letter from Robert S. Drake concerns a question about application of the conflict-of-interest provisions to a former employee of the U.S. Forest Service and a former employee of a municipal water district who were involved in negotiations concerning a boat launch ramp facility in 1984. On March 3, 1989, I informed Mr. Drake that the past employment of these persons does not raise conflict-of-interest questions as to their participation in decisions in 1988 and 1989. (Section 87103(c); Section 82030(b)(2).)

KED:plh:drake

Attachment

Robert S. Drake

ATTORNEY AT LAW

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FAWNSKIN, CALIFORNIA 92333

H - (714) 866-2262

FPPC

Nov 28 9 26 AM '88

November 21, 1988

Fair Political Practices Commission
P.O. Box 807
Sacramento, Ca. 95804

Re: Opinion on possible public employees conflict of
interests

Gentlemen:

A number of local citizens have asked me to determine if a conflict of interest exists between a Mr. Jere Mitchell and a Mr. Steven Foulkes. After some initial research, I am unable to determine if the Public Employees Conflict of Interest code section applies. Thus, the reason for my inquiry to you.

In 1984 Mr. Mitchell was the USFS District Ranger in Big Bear Lake. Mr. Foulkes was then the General Manager for the Big Bear Municipal Water District, a State chartered district with elected directors.

During that period the Municipal Water District (MWD) negotiated with the USFS to build a boat launch ramp facility with the major portion to be on Forest Serve land. In order to mitigate the impact on eagle habitat, MWD granted an eagle easement in an area they controlled. Although Mr. Foulkes name does not appear on the final agreement, correspondence attached to the permit indicate that both Mr. Foulkes and Mr. Mitchell essentially negotiated the permit and the easement agreement.

Later Mr. Foulkes went to work as the representative of a developer who is building a dredge and fill project which infringes into the eagle easement. Mr. Mitchell is now working for MWD. Currently both are working with the USFS to change that easement so the project can continue.

Is it a conflict of interest for both of them to deal with an agreement which they both had previously dealt with while employed by the USFS and the MWD?

I would appreciate a response as soon as possible to my inquiry.

Very truly yours,



ROBERT S. DRAKE



California Fair Political Practices Commission

November 29, 1988

Robert S. Drake
Attorney at Law
P.O. Box 164
Fawnskin, CA 92333

Re: 88-448

Dear Mr. Drake:

Your letter requesting advice under the Political Reform Act was received on November 28, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan, 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,

Diane M. Griffiths
Diane M. Griffiths
General Counsel

DMG:plh