



California Fair Political Practices Commission

August 11, 1989

Leticia Quezada
Los Angeles School Board Member
Board of Education
P.O. Box 3307
Los Angeles, CA 90051

Re: Your Request for Advice
Our File No. A-89-399

Dear Ms. Quezada:

You have requested advice regarding limits on honoraria pursuant to the provisions of the Political Reform Act (the "Act").¹ Upon your request, I am writing to confirm our telephone conversation of July 7, 1989, when we discussed your situation.

QUESTION

You submitted an article about the Los Angeles teachers' strike to the Los Angeles Times. May you keep the \$250 honorarium which you received from the Los Angeles Times?

CONCLUSION

You may keep the \$250 honorarium you received from the Los Angeles Times. However, you are subject to the reporting requirements and the conflict-of-interest provisions of the Act.

FACTS

You are a member of the Los Angeles School Board. You submitted an article about the Los Angeles teachers' strike to the Los Angeles Times, which was printed on May 24, 1989. On June 14, 1989 you received a check for \$250 from the Los Angeles Times. Since you had never discussed compensation for the article, the honorarium was unsolicited.

¹ 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.

You requested our advice regarding whether you may keep the honorarium. After our discussion, you informed me that you would keep the \$250 honorarium.

ANALYSIS

Under Regulation 18540 (copy enclosed), an elected officer may not accept payment for any speech, article, or published work on a subject relating to the government process, totaling more than \$1,000 from any single source in a calendar year. An honorarium for an article, such as the one you wrote, is presumed to be a gift. If you wish to claim that you provided services equal to or greater than \$250 in value, you would have the burden of proving that the \$250 is not a gift. (Regulation 18540(c).)²

Pursuant to Regulation 18726.1(b), you may either return or donate the gift within 30 days and not be subject to the reporting requirements. However, you have decided to keep the gift. Accordingly, you are required under Section 87207(a)(1) and Regulation 18728(b) (copy enclosed) to report all honoraria of \$50 or more received during a reporting period. You will report the honorarium on Schedule F of your statement of economic interests for 1989 (Form 730), which you will file in 1990.

There may be a potential conflict of interest if the Los Angeles Times is involved in a decision before the school board. As a public official, you may not participate in a decision in which you have a financial interest. (Section 87100.) Section 87103(e) states that an official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on any donor of a gift aggregating \$250 or more within 12 months prior to a decision.

Therefore, if a decision involving the Los Angeles Times comes before the school board, you must analyze whether there is a material financial effect. (See Regulation 18702 et seq.)

² Regulation 18540 was adopted by the Commission on June 5, 1989 and is under review by the Office of Administrative Law. We advise that the regulation be followed while it is undergoing review and we anticipate that it will be in effect on approximately September 9, 1989.

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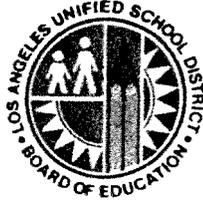
If you have any further questions regarding this matter,
please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Jill R. Stecher
Counsel, Legal Division

KED:JRS:plh
Enclosure



LETICIA QUEZADA
BOARD MEMBER

JUN 30 3 23 PM '89

BOARD OF EDUCATION
CITY OF LOS ANGELES

June 29, 1989

Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, California 95814

Re: Request for Advice Regarding Honorarium for Newspaper
Article

To The Commission:

Your opinion is sought as to the legality of my accepting an honorarium of \$250 for having written the enclosed newspaper article.

After I wrote the article, I received \$250 from the Los Angeles Times. I had never discussed compensation for the article before it was written and the honorarium was, accordingly, unsolicited on my part.

Nevertheless, because of the changes in the law and your regulations regarding these matters, I would like your advice as to whether or not I should keep or return the honorarium.

Should you have any questions regarding this matter, please contact me at (213) 626-6383.

Very truly yours,

Leticia Quezada
Los Angeles School Board Member

hp

Enclosure

L.A. Must Take a Stand on Schools

By LETICIA QUEZADA

The lessons of the Los Angeles teachers' strike, now in its second week, have been difficult to learn. But given some attention, they can have lasting consequences.

Students have learned that they truly prefer to go to class and do their schoolwork rather than play hooky and hang out at the mall. A comment from a student at Manual Arts High School is typical of those being heard across the school district: "I want school back to normal."

Teachers have learned to stand up for their dignity. This new-found energy will undoubtedly make them better teachers when they return to the classroom. They will bring new lessons about union activism,

outlined box of funds inevitably pits one concern against another. In order to provide for one priority, you must forgo another. The choice is not easy or final.

The contract negotiations that have lasted so long are only a reflection of the difficulty the board and its seven individual members have had in making clear choices. And it is a no-win situation. Four votes can resolve to make one priority more important than another. The consequence is that the three losing members can label the majority as "anti-teacher" or "anti-children." This school district cannot survive for the present or for the future on such win-lose decisions. This community will not move forward socially or economically with such a "we against them" environment in its public schools.

This brings me to the lessons learned by the community. The most obvious is that Los Angeles cares about its schools. During the strike, you have not been able to ride the bus, lunch at a restaurant or go to a movie without hearing comments and opinions about contract negotiations. Numerous unscientific surveys have been taken on which side is right.

The second clear lesson is that Los Angeles does not like and does not want a teacher strike. School district offices have received hundreds of calls, but the message is the same—settle the dispute.

But the community has not been a player in this drama. The average citizen is not involved in our schools. We have not done a good job of informing parents, students, business people, civic volunteers and other interested individuals about how schools are funded, how negotiations take place and what role the city can play in shaping school policies.

This lack of understanding has allowed those on both sides of the strike to take hard-line positions without the support of the community. The teachers' union President Wayne Johnson has said that "teachers are prepared for the siege. The district's crippled schools may be closed for the rest of the [school] year." School Board President Roberta Weintraub quotes the fact-finder's report, which concluded that the district's offer is the best in the country. Striking teachers rally that they will not capitulate. Substitute teachers resolve that they are doing the best for the children by keeping the classroom open.

Wake up, Los Angeles. These are our schools, these are our children. We cannot afford to not know how much money the district has, we cannot afford to ignore the politics of those on both sides of this issue, and we cannot afford to be absent from the negotiations. We can have higher teacher salaries. But we will also have to accept budget cuts in reading programs, textbooks and school maintenance. In the end, one side will win, one side will lose.

When a sufficient number of community members (parents, business leaders, state legislators, the state schools superintendent, community organizations and the media) choose a side, we will know which side is the winner. At that point, the contract dispute will be resolved. From there, we can move forward—perhaps with a new resolve to be involved in our schools in such a way as to know that this city's future success, or its demise, will be in the classrooms.

Leticia Quezada is a member of the Los Angeles Board of Education.

Los Angeles Times

Wednesday, May 24, 1989

about personal anger, about the attributes of a democratic society, about values and about relationships with people. The students, too, will benefit from these lessons.

Supt. Leonard Britton has learned what it takes to run the Los Angeles Unified School District. Never again will he be accused of being a newcomer, or being unfamiliar with life in Los Angeles. The lesson only clarifies the challenge he has ahead of him, most particularly the challenge of making the word *unified* a reality.

The Board of Education has perhaps had the hardest lesson, and I am not sure we have learned it. Working with a restricted, politicized budget makes it difficult to care intensely about improving working conditions for teachers, improving the level of instruction, providing safe schools and raising the quality of education for children of all races and nationalities. The clearly



89-399
LETICIA QUEZADA
BOARD MEMBER

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BOARD OF EDUCATION
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California Fair Political Practices Commission

July 6, 1989

Leticia Quezada
Los Angeles School Board Member
P.O. Box 3307
Los Angeles, CA 90051

Re: Letter No. 89-399

Dear Ms. Quezada:

Your letter requesting advice under the Political Reform Act was received on July 3, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jill Stecher 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 E. Donovan
General Counsel

KED:plh

MEMO

To: File
From: Jill Stecher
Re: Advice Letter 89-399
July 7, 1989

I spoke to Ms. Leticia Quezada on July 7, 1989 (213-932-6263). She informed me that she received the \$250 check from the LA Times about 2 weeks ago.

I explained Regulation 18540 and that she may accept \$1000 from any single source in a calendar year for any speech, article, etc. on the governmental process.

I told her that an honorarium for a speech, article, etc. on the govt. process is presumed a gift. I explained that under Regulation 18726.1, she may return or donate the gift within 30 days and not be subject to the reporting requirements. If she did not do so, she must report the gift.

I also explained that if she kept the gift, there may be a potential for a c/i if the LA Times comes before the school board for any govt. decision. She seemed familiar with this and said that she would inform the clerk if there is a problem.

She said that she would probably keep the gift since it is within the limits and that she would report it.

I inquired if she would like a written response and she declined. I gave her the regulation numbers, so she could discuss this with the attorney for the LA Bd of Education. I suggested that either she or the attorney call if there were any further questions.