



# California Fair Political Practices Commission

December 27, 1989

Rozellah Ryan  
Senior Staff Counsel  
Legal Affairs Division  
Department of Corrections  
1515 S Street, Room 300S  
Sacramento, CA 95814

Re: Your Request for Informal Assistance  
Our File No. I-89-683

Dear Ms. Ryan:

This is in response to your letter requesting advice in connection with your duty to advise the State Department of Corrections concerning the department's duties under the Political Reform Act (the "Act").<sup>1/</sup> You have requested advice with respect to a Department of Corrections employee who simultaneously serves on the board of directors of a political committee. Because your situation does not involve a governmental decision, we can only provide this general explanation of the requirements of the Act.<sup>2/</sup>

#### QUESTION

Does the Act prohibit a State Civil Service Employee from also serving on the board of directors of a political committee?

#### CONCLUSION

The Act does not prohibit a State Civil Service Employee from serving on the board of directors of a political committee. However, you may want to consult your agency's statement of

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<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.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

incompatible activities to determine if this activity is permitted by your agency.

DISCUSSION

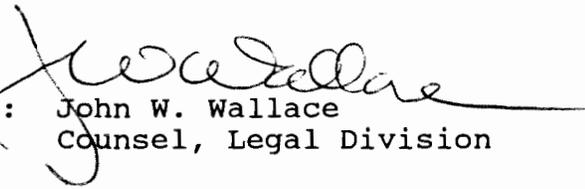
Section 87100 prohibits any public official from making, participating in making, or otherwise using his official position to influence a governmental decision in which the official has a financial interest. The Act does not prohibit a public official from holding public office due to financial interests he or she may hold. Thus, a State Civil Service Employee may serve on the board of directors of a political committee and retain his public position whether the committee is a financial interest of the official or not. (Coye Advice Letter, No. A-81-067, copy enclosed.)

However, if the committee becomes a financial interest of the official, as defined in Section 87103, and it is reasonably foreseeable that a governmental decision will have a material financial effect on the committee, the official will be obligated to disqualify him or herself from participating in that decision. For future reference we have enclosed a pamphlet entitled "California's Conflict of Interest Laws for Public Officials" which summarizes the Act's conflict of interest laws. Please note, however, that the information we are providing is limited to the Political Reform Act. Other laws may apply to the situation you have posed, such as the general doctrine of incompatible offices or the Department of Correction's list of incompatible activities established pursuant to Government Code Section 19990. Since the Commission's jurisdiction extends only to matters covered by the Act, we cannot provide you with assistance regarding these provisions of law. (Section 83111.)

If you have any further questions concerning this matter or questions concerning specific decisions, please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: John W. Wallace  
Counsel, Legal Division

KED:JWW:plh

Enclosure

18420

# State of California Fair Political Practices Commission



P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Info  
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

October 9, 1981

Mr. Peter Coye  
777 West Seventh Street  
Claremont, CA 91711

A-81-10-067

Dear Mr. Coye:

I am responding to your letter to Mr. Prim of October 2, 1981. You asked whether the Political Reform Act in any way prohibits you from working for a political committee called Californians For a Fair Index on time outside your forty hour work week as an Administrative Assistant for Senator Watson. I would first like to point out that the Political Reform Act does not prohibit any political activities. However, the Act does require that certain activities be reported. In particular, the Act requires that political activities by a government employee during government working hours or with government facilities or materials, be reported as an in kind contribution by the government employer. See 2 Cal. Adm. Code Section 18420, a copy of which is enclosed for your convenience.

According to your letter, you will not be doing any work for Californians For a Fair Index during your forty hour work week for the state. In this case, assuming that no state facilities or materials are used for Californians For a Fair Index, your activities would not be considered a contribution by the state to Californians For a Fair Index, and would not have to be reported under Section 18420.

I hope this answers your question. If you have any other questions concerning reporting of campaign expenditures under the Political Reform Act, please feel free to get in touch with us.

Very truly yours,

*Barbara A. Milman*  
Barbara A. Milman  
Chief  
Legal Division

BAM:km  
Enclosure

TO K. DONOVAN

# Memorandum

JLR

FPPS

Nov 27 10 55 AM '89

Date : November 20, 1989

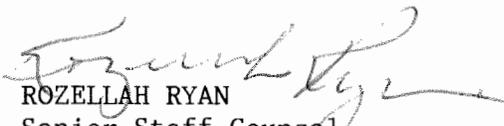
To : JOHN LARSON  
Chairman  
Fair Political Practices Commission

From : Department of Corrections

Subject: STATE CIVIL SERVICE EMPLOYEE'S NOMINATION TO POLITICAL ACTIVITY COMMITTEE  
Legal Log No. 89-724

The purpose of this memo is to learn whether the Fair Political Activity Committee has an opinion on the matter of a State of California civil servant serving on the board of directors for a political activity committee. A Department of Corrections parole agent has requested permission to serve on the board of directors for a political activity committee in Contra Costa County. He reports that the sole function of the board is to decide on the disbursement of funds to support candidates running for election. A State Assemblyman is nominating the employee.

If you have any information which could assist the Department in handling this employee's request, it would be appreciated.

  
ROZELLAH RYAN  
Senior Staff Counsel  
Legal Affairs Division



# California Fair Political Practices Commission

December 1, 1989

Rozellah Ryan  
Department of Corrections  
Legal Affairs Division  
1515 S Street, Room 300S  
Sacramento, CA 95814

Re: Letter No. 89-683

Dear Ms. Ryan:

Your letter requesting advice under the Political Reform Act was received on November 27, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace 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