

December 8, 2011

George W. Williams
Fesmire & Williams
81-701 Highway 111, Ste 1
Indio, CA 92201

Re: Your Request for Informal Assistance
Our File No. I-11-208

Dear Mr. Williams:

This letter is in response to your request for written advice, on behalf of Melanie Fesmire, regarding the revolving door provisions of the Political Reform Act (the "Act").¹ Because your questions seek general guidance, we are treating your request as one for informal assistance.² This letter should not be construed as assistance on any conduct that may have already taken place. (See Regulation 18329(b)(8)(A).) In addition, this letter is based on the facts presented. The Fair Political Practices Commission (the "Commission") does not act as a finder of fact when it renders assistance. (*In re Oglesby* (1975) 1 FPPC Ops. 71.)

As we discussed in a telephone conversation, the only post-employment provision of the Act potentially applicable to Ms. Fesmire, a former city councilmember, is the one-year ban for local officials found in Section 87406.3. (Also see Regulation 18746.3.) However, because Ms. Fesmire permanently left office on December 2, 2010, we are unable to provide assistance regarding the application of the local one-year ban prior to the expiration of the ban on December 3, 2011.³ Accordingly, your questions under the Act are now moot.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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

³ For purposes of the local one-year ban, the date on which an official permanently leaves office or employment is the date on which the official is no longer authorized to perform the duties of that office or employment, and stops performing those duties. A person shall not be deemed to have left office permanently because he or she is on a leave of absence or serves as an intermittent employee. However, a person shall be deemed to have left office permanently if the person merely receives compensation for accrued leave credits. (Regulation 18746.4(b).)

Please note that our advice is based solely on the provisions of the Act. We offer no opinion on the application of other laws that may apply including, but not limited to, Code of Civil Procedure Section 1021.5, which you identified in your request for advice.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: Brian G. Lau
Counsel, Legal Division

BGL:jgl