

August 27, 2012

Raja Mitwasi  
966 Las Rosas Dr.  
West Covina, CA 91791

Re: Your Request for Informal Assistance  
**Our File No. A-12-104a**

Dear Mr. Mitwasi:

This letter responds to your supplemental request for advice regarding the post-governmental employment provisions of the Political Reform Act (the "Act").<sup>1</sup> 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.)

Additionally, our advice is based solely on the provisions of the Act. We therefore offer no opinion on the application, if any, of other post-governmental employment laws such as Public Contract Code Section 10411.

### **QUESTION**

Does the permanent ban relating to post-governmental employment restrictions under the Act prohibit you from working as an employee for Parsons on any projects for the California Department of Transportation ("Caltrans"), your former state employer?

### **CONCLUSION**

No. The permanent ban does not apply to your situation because you never participated in any "judicial, quasi-judicial or other proceedings" while employed by Caltrans. Therefore, it does not prohibit you from working as an employee for Parsons on the current Caltrans project, or any future project between the two entities.

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<sup>1</sup> 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.

## FACTS

In 1983, you began your career with Caltrans. In 2003, you were promoted to the position of Chief Deputy District Director. In that position, you worked with deputies of various Caltrans divisions to ensure timely delivery of state projects, improved communication between the deputies and Caltrans staff, and assisted with budgetary matters.

In February 2010, you became the Project Manager for the construction of the Southern Regional Material Laboratory. Ultimately, on June 15, 2011, you retired from state service. On June 18, 2011, you began your employment with Parsons as the Pasadena Office Area Manager. You would like to know if you can act as a representative for Parsons on state projects involving Caltrans.

On July 12, 2012, we issued an informal advice letter (I-12-104) providing you with a general overview of the Act's permanent ban without reaching any conclusions about its application to your circumstances. Therefore, you sent us a letter dated August 1, 2012, with the following supplemental facts:

- While at Caltrans, you never participated in any “[j]udicial, quasi-judicial or other proceeding” as those terms are defined in (Section 87400(c).)
- When you began working for Parsons in March of 2011, there was an existing contract between Caltrans and Parsons to be on-call for design support. Specifically, Parsons is acting as a consultant to Caltrans for various projects in Northern Los Angeles and Ventura Counties, such as professional and technical highway design and hydraulic engineering services.

## ANALYSIS

As explained in the prior advice letter, public officials who leave state service are subject to two types of post-governmental employment restrictions under the Act, colloquially known as the “revolving door” prohibitions. The first is the “permanent ban” provision and the second is the “one-year ban” provision. You have been retired from state service for more than a year so the latter provision does not apply to your situation.

### **The Permanent Ban on “Switching Sides”**

The “permanent ban” prohibits a former state employee from “switching sides” and participating, for compensation, in any quasi-judicial or similar proceedings involving the State of California or assisting others in the proceeding if the proceeding is one in which the former state employee participated while employed by the state. (Sections 87401 and 87402; Regulation 18741.1.) The permanent ban applies when an official has permanently left or takes a leave of absence from any particular office or employment. (Regulation 18741.1(a)(1).)

The permanent ban is a lifetime ban and applies to any formal or informal appearance or any oral or written communication — or aiding, advising, counseling, consulting, or assisting in representing any other person, other than the State of California, in an appearance or communication — made with the intent to influence any judicial, quasi-judicial, or other proceeding in which you participated while you served as a state administrative official. “‘Judicial, quasi-judicial or other proceeding’ means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency . . .” (Section 87400(c).)

In your case, you stated that you never participated in any “judicial, quasi-judicial or other proceedings” while employed by Caltrans. Therefore, your new duties with Parsons will not involve influencing such proceedings in which you participated. Accordingly, the permanent ban does not preclude you from working on the current project between Parsons and Caltrans, or any future project between the two entities.

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

Sincerely,

Zackery P. Morazzini  
General Counsel

By: Jack Woodside  
Counsel, Legal Division

JCW:jgl