



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

This Advice Letter No. I-12-161, SUPERSEDES the list of advice letters at the end of the letter. This language has been misinterpreted in past letters to state that “reasonably foreseeable *means* substantially likely,” even though there is no support for this interpretation in either the statute or the regulation, and it is contrary to general principals relating to conflict of interest laws.

December 28, 2012

Douglas Holland  
City Attorney  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92262

**Re: Your Request for Informal Assistance  
Our File No. I-12-161**

Dear Mr. Holland:

This letter responds to your request on behalf of Palm Springs Planning Commissioner J.R. Roberts regarding the conflict of interest provisions of the Political Reform Act (the “Act”)<sup>1</sup>. Because you have not provided any facts related to a specific governmental decision, we are treating your request as one for informal assistance pursuant to Regulation 18329(c).<sup>2</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 limited to obligations arising under the Act. We do not address the applicability, if any, of other conflict-of-interest laws such as common law conflict of interest or Government Code Section 1090.

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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.

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

## QUESTION

Does Planning Commissioner J.R. Roberts have a conflict of interest in participating in a governmental decision regarding the Palm Springs downtown redevelopment project due to the Palm Springs Art Museum being an economic interest under the Acts as a source of income?

## CONCLUSION

As long as the Palm Springs Art Museum is a source of income to Commissioner Roberts, he will have a conflict of interest with respect to any governmental decisions regarding the Palm Springs downtown redevelopment project only if the Palm Springs Art Museum is directly involved in the decision or if the reasonably foreseeable financial effect of the decision reaches the materiality level discussed below.

## FACTS

A major commercial retail, entertainment, and hotel project is proposed for development in downtown Palm Springs (the "downtown project"). The estimated value of this project is in excess of \$100 million. The city's planning commission will review and consider the various entitlement applications for the downtown project during the months of November and December of this year.

The Palm Springs Art Museum is located immediately west of the downtown project site. This site is the Art Museum's principal place of business. The Palm Springs Art Museum is a non-profit corporation. The Museum's annual report for the fiscal year ending September 30, 2010, as listed on its website, shows revenues of \$7,567,482. It is generally recognized that the downtown project will benefit the Art Museum in providing improved visibility of the Museum and improved access to the Museum.

J.R. Roberts is a member of the planning commission, an advisory body to the city council. The Art Museum has retained Commissioner Roberts as a paid fundraising consultant for the sole purpose of raising funds for the restoration of property generally located at the corner of Baristo and Palm Canyon in Palm Springs, approximately a quarter mile from the downtown project. The restoration of the property will result in the development of the Architecture and Design Center, a facility that will be owned and operated by the Art Museum. Commissioner Roberts has been paid more than \$500 within the last two months and is likely to receive additional compensation over the next several months. Commissioner Roberts deposits the full amount of his compensation from the Art Museum in his personal account, transfers an amount at least equal to the amount paid to him by the Art Museum to a charitable giving fund that he owns and maintains. Commissioner Roberts subsequently donates at least this amount to the Art Museum for the restoration of the property for the Architecture and Design Center. The amount donated is a charitable gift, eligible as a tax deduction.

You seek advice as to whether Commissioner Roberts has a conflict of interest that disqualifies him from participating in decisions regarding the downtown project.

### **ANALYSIS POTENTIAL CONFLICT OF INTEREST**

The Act's conflict-of-interest provisions ensure that public officials will "perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (Section 81001(b).) Section 87100 prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest.

The Commission has adopted an eight-step standard analysis for deciding whether an official has a disqualifying conflict of interest. (Regulation 18700(b).) The general rule, however, is that a conflict of interest exists whenever a public official makes a governmental decision that has a reasonably foreseeable material financial effect on one or more of his or her financial interests.

#### **STEPS 1 & 2: IS COMMISSIONER ROBERTS A PUBLIC OFFICIAL MAKING, PARTICIPATING IN MAKING, OR INFLUENCING A GOVERNMENTAL DECISION?**

As a member of the planning commission, Commissioner Roberts is a public official under the Act. (Section 82048.) Consequently, he may not make, participate in making, or otherwise use his official position to influence any governmental decision that will have a reasonably foreseeable material financial effect on any of his economic interests.<sup>3</sup> Because he will be called upon to review and consider decisions related to the Downtown Project, Commissioner Roberts will be making, participating in making or otherwise using his official position to influence a governmental decision.

#### **STEP 3: DOES COMMISSIONER ROBERTS HAVE A POTENTIALLY DISQUALIFYING ECONOMIC INTEREST?**

A public official has a financial interest in a decision within the meaning of Section 87103 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any one of five enumerated economic interests. Relevant here is the "source of income" economic interest listed at Section 87103(c) and Regulation 18703.3:

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<sup>3</sup> If a public official's office is listed in Section 87200 ("87200 filers" include planning commissioners) and he or she has a conflict of interest in a decision noticed at a public meeting, then he or she must: (1) immediately prior to the discussion of the item, verbally identify each type of economic interest involved in the decision as well as details of the economic interest, as discussed in regulation 18702.5(b)(1)(B), on the record of the meeting; (2) recuse himself or herself; and (3) leave the room for the duration of the discussion and/or vote on the item. For closed sessions, consent calendars, absences and speaking as a member of the public regarding personal interests, special rules found in regulation 18702.5, subdivisions (c) and (d) apply. (Section 87105.)

- An economic interest in any source of income, including promised income, aggregating \$500 or more within 12 months prior to the decision. (Section 87103(c); Regulation 18703.3.)

Under the facts you have provided, Commissioner Robert has an economic interest in the Art Museum as a source of income because he has received \$500 or more in the 12 months before any decision is considered. You have not identified any other potential economic interest. Accordingly, our analysis is limited to Commissioner Robert's economic interest in the Art Museum.

#### **STEPS 4: IS THE ECONOMIC INTEREST DIRECTLY INVOLVED IN THE GOVERNMENTAL DECISION?**

To determine if a governmental decision's reasonably foreseeable financial effect on a given economic interest is material, we must first determine if the official's economic interest is directly involved or indirectly involved in the governmental decision. If a public official's economic interest is not directly involved in a governmental decision, it is indirectly involved. (Regulation 18704(a).)

Regulation 18704.1 provides:

“(a) A person, including business entities, sources of income, and sources of gift, is directly involved in a decision before an official's agency when that person, either directly, or by an agent:

“(1) Initiates the proceeding in which the decision will be made by filing an application, claim, appeal, or similar request or;

“(2) Is a named party in, or is the subject of, the proceeding concerning the decision before the official or the official's agency. A person is the subject of a proceeding if a decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the subject person.”

You have not provided any facts to indicate that Commissioner Robert's economic interest is directly involved in any governmental decision related to the downtown project. So long as the governmental decision does not involve a matter in which the Art Museum initiates the proceeding or is a named party or the subject of the proceeding, his economic interest is considered indirectly involved.

#### **STEPS 5: WHAT IS THE MATERIALITY STANDARD?**

For a source of income economic interest that is a nonprofit organization and indirectly involved in a governmental decision, the materiality standards are set forth in Regulation

18705.3(a)(2)(A). Subparagraph (D) thereof provides the standard for relatively small organizations (those with gross annual receipts of between one million and ten million dollars). The financial effect of the decision for these organizations is material in any of the following events:

“(i) The decision will result in an increase or decrease of the entity’s gross annual receipts for a fiscal year in the amount of \$100,000 or more.

(ii) The decision will cause the entity to incur or avoid additional expenses or to reduce or eliminate existing expenses for a fiscal year in the amount of \$25,000.

(iii) The decision will result in an increase or decrease in the value of the entity’s assets or liabilities in the amount of \$100,000 or more.” (Regulation 18705.3(a)(2)(A)(i-iii).)

You have not provided details for any particular governmental decision and have stated that you have been unable “to ascribe a monetary value” to any financial benefits that may accrue to the museum from decisions regarding the downtown project. Each decision will need to be analyzed separately by you with respect to its potential financial in order to determine the applicable materiality standard.

#### **STEP 6: IS THE MATERIAL FINANCIAL EFFECT REASONABLY FORESEEABLE?**

An official has a conflict of interest in a governmental decision only if a material financial effect is reasonably foreseeable. Regulation 18706(a) states that a material financial effect is reasonably foreseeable “if it is substantially likely that one or more of the materiality standards [ . . . ] applicable to that economic interest will be met as a result of the governmental decision.” While this language appears to state the obvious, it has been misinterpreted in past letters to state that “reasonably foreseeable *means* substantially likely,” even though there is no support for this interpretation in either the statute or the regulation, and it is contrary to general principals relating to conflict of interest laws.

Fortunately, at a recent Commission meeting, the Commission specifically rejected this prior interpretation<sup>4</sup> and to the extent that any past advice letters have used this interpretation, they are rescinded. More recent advice letters have correctly stated that a financial effect need not be certain or even substantially likely to be reasonably foreseeable, but it must be more than a mere possibility. (*Tann* Advice Letter, A-12-134; *Norton* Advice Letter, I-09-091; *Norton* Advice Letter, I-12-092.)

Once you have identified any particular governmental decision related to the downtown project you will need to determine if it is reasonably foreseeable that there will be a financial effect on the Art Museum that will reach the levels identified above. If you need further

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<sup>4</sup> A new regulation was adopted but will not go into effect until the remaining planned amendments being proposed to the Act’s conflict of interest regulations are implemented some time next year.

assistance, please request supplemental advice at the time the specific facts regarding a particular governmental decision are known.

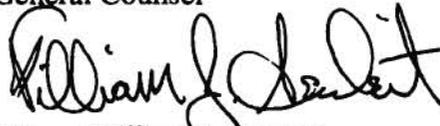
**STEPS 7 AND 8: PUBLIC GENERALLY AND LEGALLY REQUIRED PARTICIPATION.**

You have not presented any facts indicating that either the "public generally" exception or the "legally required participation" exception would be applicable here. Accordingly, we have not provided an analysis involving these steps.

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

Sincerely,

Zackery P. Morazzini  
General Counsel

A handwritten signature in black ink, appearing to read "William J. Lenkeit". The signature is written in a cursive, somewhat stylized font.

By: William J. Lenkeit  
Senior Counsel, Legal Division

WJL:jgl

Attachment

List of Advice Letters SUPERSEDED by  
*Holland* Advice Letter, No. I-12-161

1. David DeBerry, Our File No. I-09-067, 2009 Cal. Fair-Pract. LEXIS 128, June 2, 2009

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

2. Carol Anne Ogdin, Our File No. A-08-187, 2008 Cal. Fair-Pract. LEXIS 225, December 2, 2008

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

3. Carol Anne Ogdin, Our File No. A-08-187, 2008 Cal. Fair-Pract. LEXIS 236, December 2, 2008

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

4. Lori J. Barker, Our File No. I-08-170, 2008 Cal. Fair-Pract. LEXIS 173, October 7, 2008

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

5. Lori J. Barker, Our File No. I-08-170, 2008 Cal. Fair-Pract. LEXIS 209, October 7, 2008

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

6. Ronald Ball, Our File No. A-08-120, 2008 Cal. Fair-Pract. LEXIS 119, August 6, 2008

... decision on the councilmember's economic interests reasonably foreseeable? As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

7. David C. Laredo, Our File No. I-08-088, 2008 Cal. Fair-Pract. LEXIS 87, June 20, 2008

... will be met. (Regulation 18700(b)(6).) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706(a); In re Thorner (1975) ...

8. William James Murphy, Our File Nos. A- 07-031; A-07-050, 2007 Cal. Fair-Pract. LEXIS 99, July 30, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

9. Marguerite Lawry, Our File No. I-07-084, 2007 Cal. Fair-Pract. LEXIS 102, July 23, 2007

... depends on the facts of each particular case. n5 As used here, "reasonably foreseeable" means "substantially likely."

(Regulation 18706; In re Thorner (1975) 1 ...

10. Robert Cameron, Our File No. I-07-090, 2007 Cal. Fair-Pract. LEXIS 104, July 23, 2007

... depends on the facts of each particular case. n5 As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

11. Eileen Roush, Our File No. I-07-110, 2007 Cal. Fair-Pract. LEXIS 92, July 18, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

12. Sheila Goodson, Our File No. I-07-078, 2007 Cal. Fair-Pract. LEXIS 100, July 16, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

13. Bill Gearheart, Our File No. I-07-086, 2007 Cal. Fair-Pract. LEXIS 103, July 16, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

14. Dustin Bloomfield, Our File No. I-07-091, 2007 Cal. Fair-Pract. LEXIS 106, July 16, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

15. Tom McCabe, Our File No. A-07-072, 2007 Cal. Fair-Pract. LEXIS 88, June 21, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

16. Richard C. Burton, Our File No. A-07-052, 2007 Cal. Fair-Pract. LEXIS 51, April 26, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

17. Donald Snyder, Our File No. A-07-056, 2007 Cal. Fair-Pract. LEXIS 53, April 17, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

18. Mr. Robert Stadum, Our File No. A-07-012, 2007 Cal. Fair-Pract. LEXIS 41, April 12, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

19. Mr. Robert Stadum, Our File No. I-07-037, 2007 Cal. Fair-Pract. LEXIS 24, March 7, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

20. Mark D. Hensley, Our File No. A-07-023, 2007 Cal. Fair-Pract. LEXIS 22, March 5, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

21. Jane Mobaldi, Our File No. A-07-002, 2007 Cal. Fair-Pract. LEXIS 18, January 31, 2007

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

22. Iris P. Yang, Our File No. I-06-198, 2006 Cal. Fair-Pract. LEXIS 169, November 28, 2006

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

23. Debra L. Cauble, Our File No. I-06-179, 2006 Cal. Fair-Pract. LEXIS 159, October 30, 2006

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

24. Ray Luna, Our File No. I-06-112, 2006 Cal. Fair-Pract. LEXIS 95, July 11, 2006

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

25. Jonathan B. Stone, Our File No. A-06-007, 2006 Cal. Fair-Pract. LEXIS 40, April 26, 2006

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

26. Elizabeth Wagner Hull, Our File No. A-06-219, 2006 Cal. Fair-Pract. LEXIS 182, February 20, 2006

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

27. Lori J. Barker, Our File No. A-05-203, 2005 Cal. Fair-Pract. LEXIS 164, November 14, 2005

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

28. Jennifer K. McCain, Our File No. A-05-151, 2005 Cal. Fair-Pract. LEXIS 137, August 23, 2005

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

29. Guadalupe Alvarez, Our File No. I-05-134, 2005 Cal. Fair-Pract. LEXIS 124, July 28, 2005

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

30. Breton K. Lobner, Our File No. I-05-053, 2005 Cal. Fair-Pract. LEXIS 55, April 14, 2005

... will be met. (Regulation 18700(b)(6).) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706(a); In re Thorner (1975) ...

31. Michael Faulconer, Our File No. I-05-042, 2005 Cal. Fair-Pract. LEXIS 47, April 8, 2005

... made depends on the facts of each particular case. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

32. Ralph Rubio, Our File No. I-05-038, 2005 Cal. Fair-Pract. LEXIS 48, April 5, 2005

... in the financial effect set forth above. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

33. Richard R. Rudnansky, Our File No. A-05-004, 2005 Cal. Fair-Pract. LEXIS 6, February 10, 2005

... 1975) 1 FPPC Ops. 71, 77.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

34. Janet Bibby, Our File No. A-04-188, 2004 Cal. Fair-Pract. LEXIS 168, October 6, 2004

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

35. Laura McKinney, Our File No. A-04-178, 2004 Cal. Fair-Pract. LEXIS 156, September 8, 2004

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

36. Mark Brodsky, Our File No. A-03-259, 2004 Cal. Fair-Pract. LEXIS 12, January 26, 2004

... for you to decide. City Tree & Fence Ordinances: As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706(a); In re Thorner, supra.) Whether the ...

37. Kathryn Lyddan, Our File No. A-03-182, 2003 Cal. Fair-Pract. LEXIS 212, November 7, 2003

... foreseeable" as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

38. Nancy Kierstyn Schreiner, Our File No. A-03-242, 2003 Cal. Fair-Pract. LEXIS 199, October 31, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

39. Yolanda M. Summerhill, Our File No. A-03-234, 2003 Cal. Fair-Pract. LEXIS 195, October 15, 2003

... 18109-18997, of the California Code of Regulations.n2 As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

40. Roy A. Hanley, Our File No. I-03-154, 2003 Cal. Fair-Pract. LEXIS 136, August 4, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

41. Joseph Mellett, Our File No. I-03-146, 2003 Cal. Fair-Pract. LEXIS 131, August 1, 2003

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

42. Mark W. Steres, Our File No. A-03-155, 2003 Cal. Fair-Pract. LEXIS 145, August 1, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

43. Joanne Stonecipher, Our File No. I-03-120, 2003 Cal. Fair-Pract. LEXIS 111, June 20, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

44. Rick Cook, Our File No. A-03-114, 2003 Cal. Fair-Pract. LEXIS 96, June 11, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

45. Bart J. Thiltgen, Our File No. I-03-070, 2003 Cal. Fair-Pract. LEXIS 105, June 11, 2003

... effect set forth above. Regulation 18706 defines "reasonably foreseeable" to mean "substantially likely" and provides a list of factors to be considered in determining whether ...

46. Roy A. Hanley, Our File No. A-03-103, 2003 Cal. Fair-Pract. LEXIS 92, June 4, 2003

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

47. Ms. Judy Spelman, Our File No. A-03-023, 2003 Cal. Fair-Pract. LEXIS 68, April 28, 2003

... effect set forth above. Regulation 18706 defines "reasonably foreseeable" to mean "substantially likely" and provides a list of factors to be considered in determining whether ...

48. Gregory J. Oliver, Our File No. A-03-002, 2003 Cal. Fair-Pract. LEXIS 55, April 1, 2003

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706(a); In re Thorner (1975) ...

49. Shana Levine, Our File No. I-03-036, 2003 Cal. Fair-Pract. LEXIS 47, March 26, 2003

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706(a); In re Thorner (1975) ...

50. Beth Sazama Lyons, Our File No. A-03-012, 2003 Cal. Fair-Pract. LEXIS 42, March 19, 2003

... Regulation 18700(b)(6); regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

51. Robert W. Hargreaves, Our File No. A-02-315, 2003 Cal. Fair-Pract. LEXIS 18, January 29, 2003

... effect within about one month.n3 As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

52. Steven Zent, Our File No. I-02-278, 2002 Cal. Fair-Pract. LEXIS 248, November 1, 2002

... Regulation 18700(b)(6); regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

53. Ms. Linda L. Daube, Our File No. A-02-232, 2002 Cal. Fair-Pract. LEXIS 210, September 25, 2002

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

54. Heather C. McLaughlin, Our File No. A-02-132, 2002 Cal. Fair-Pract. LEXIS 183, August 7, 2002

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

55. Victoria Pointer, Our File No. A-02-128, 2002 Cal. Fair-Pract. LEXIS 149, July 16, 2002

... foreseeable as a result of the decision. (Reg. 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

56. Patrick C. Wilson, Our File No. I-02-093, 2002 Cal. Fair-Pract. LEXIS 109, June 3, 2002

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

57. Randall A. Hays, Our File No. I-01-252, 2002 Cal. Fair-Pract. LEXIS 47, March 18, 2002

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

58. Leann Kay Martin, Our File No. I-01-176, 2001 Cal. Fair-Pract. LEXIS 183, October 29, 2001

... Regulation 18700(b)(6); Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

59. Thomas A. Payne, Our File No. I-01-180, 2001 Cal. Fair-Pract. LEXIS 187, October 9, 2001

... Regulation 18700(b)(6); Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

60. Josephine Poole, Our File No. I-01-198, 2001 Cal. Fair-Pract. LEXIS 194, October 9, 2001

... but it must be more than a mere possibility. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; (In re Thorner (1975) 1 ...

61. Stephen A. Del Guercio, Our File No. I-01-116, 2001 Cal. Fair-Pract. LEXIS 124, August 31, 2001

... a conflict of interest in that decision. n3 n3 "Reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

62. Diane L. Bathgate, Our File No. A-01-082, 2001 Cal. Fair-Pract. LEXIS 114, August 13, 2001

... but it must be more than a mere possibility. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; (In re Thorner (1975) 1 ...

63. David J. Weiland, Our File No. A-01-119, 2001 Cal. Fair-Pract. LEXIS 105, August 1, 2001

... but it must be more than a mere possibility. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

64. Steven L. Dorsey, Our File No. A-01-125, 2001 Cal. Fair-Pract. LEXIS 97, June 15, 2001

... but it must be more than a mere possibility. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

65. Liane M. Randolph, Our File No. A-01-109, 2001 Cal. Fair-Pract. LEXIS 83, May 24, 2001

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

66. Bill Rabenaldt, Our File No. A-00-258, 2001 Cal. Fair-Pract. LEXIS 32, March 8, 2001

... Regulation 18700(b)(6.) n3n3 As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

67. Thomas N. Hallinan, Our File No. A-00-282, 2001 Cal. Fair-Pract. LEXIS 23, February 1, 2001

... more on Councilmember Rockey's personal finances. In this context, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

68. Councilor Owen Newcomer, Our File No. A-00-228, 2001 Cal. Fair-Pract. LEXIS 19, January 29, 2001

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

69. Sue Home, Our File No. A-00-268, 2001 Cal. Fair-Pract. LEXIS 11, January 19, 2001

... s) at issue would materially affect your husband's business. Here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

70. Everd A. McCain, Our File No. I-00-257, 2001 Cal. Fair-Pract. LEXIS 7, January 17, 2001

... not it is "concerned" with the eventual use of its "surplus" lands.n5 "Reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

71. Philip Ho, Our File No. A-00-241, 2001 Cal. Fair-Pract. LEXIS 5, January 16, 2001

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

72. Edward A. Rich, Our File No. I-00-253, 2000 Cal. Fair-Pract. LEXIS 187, December 29, 2000

... affect your economic interests, as described above. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

73. Steven B. Quintanilla, Our File No. A-00-196, 2000 Cal. Fair-Pract. LEXIS 186, December 27, 2000

... effect on Mr. Pepper is reasonably foreseeable. n5 As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

74. Patricia McCoy, Our File No. A-00-117, 2000 Cal. Fair-Pract. LEXIS 158, November 3, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

75. Jerry L. Harper, Our File No. A-00-181, 2000 Cal. Fair-Pract. LEXIS 148, October 20, 2000

... JAYCOR as described in Regulation 18705.1(b). As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

76. Jan McKinsey, Our File No. I-00-212, 2000 Cal. Fair-Pract. LEXIS 151, October 13, 2000

... organizations from the definition, and thus from the ambit of Section 87103(d).n9 "Reasonably foreseeable" means "substantially likely." (Regulation 18706.) A mere possibility of an effect is not " ...

77. Carolyn Livengood, Our File No. A-00-222, 2000 Cal. Fair-Pract. LEXIS 147, October 12, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

78. Thomas B. Brown, Our File No. A-00-195, 2000 Cal. Fair-Pract. LEXIS 136, October 3, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

79. Thomas B. Brown, Our File No. A-00-200, 2000 Cal. Fair-Pract. LEXIS 139, October 3, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

80. Mark D. Hensley, Our File No. A-00-207, 2000 Cal. Fair-Pract. LEXIS 143, September 20, 2000

... Reasonably Foreseeable the Materiality Standard Will be Satisfied? As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thomer (1975) 1 ...

81. Robert A. Martinez, Our File No. I-00-187, 2000 Cal. Fair-Pract. LEXIS 132, September 13, 2000

... Regulation 18700(b)(6); Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

82. Honorable Mike Martini, Our File No. A-00-186, 2000 Cal. Fair-Pract. LEXIS 124, August 24, 2000

... decision on your economic interests reasonably foreseeable? As used here, "reasonably foreseeable" means "substantially likely." (Reg. 18706; In re Thorner (1975) 1 ...

83. Richard L. Christenson, Our File No. A-00-166, 2000 Cal. Fair-Pract. LEXIS 117, August 17, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

84. Wallace H. Whittier, Our File No. A-00-163, 2000 Cal. Fair-Pract. LEXIS 114, August 16, 2000

... will affect Whittings Nursery as described above. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

85. Wallace H. Whittier, Our File No. A-00-164, 2000 Cal. Fair-Pract. LEXIS 115, August 16, 2000

... Coldwell Banker, Brokers of the Valley, as referenced above. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

86. Alecia Biddison, Our File No. A-00-149, 2000 Cal. Fair-Pract. LEXIS 107, August 11, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

87. Randy Johnson, Our File No. A-00-150, 2000 Cal. Fair-Pract. LEXIS 108, July 31, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

88. Mark D. Hensley, Our File No. I-00-144, 2000 Cal. Fair-Pract. LEXIS 100, July 17, 2000

... Reasonably Foreseeable the Materiality Standard Will be Satisfied? As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

89. Jeffrey G. Scott, Our File No. A-00-122, 2000 Cal. Fair-Pract. LEXIS 89, June 19, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

90. Jimmy L. Gutierrez, Our File No. I-00-050, 2000 Cal. Fair-Pract. LEXIS 73, June 5, 2000

... each economic interest involved in the decision. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

91. Jeffrey M. Oderman, Our File No. A-00-082, 2000 Cal. Fair-Pract. LEXIS 59, May 3, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

92. Bob Whitney, Our File No. A-00-060, 2000 Cal. Fair-Pract. LEXIS 51, April 4, 2000

... influence that decision. If not, you do not have a conflict. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

93. Joan Jamieson, Our File No. A-00-046, 2000 Cal. Fair-Pract. LEXIS 37, March 21, 2000

... decision. (Regulations 18700(b)(6), 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

94. Leslie S. Bowker, Our File No. A-00-027, 2000 Cal. Fair-Pract. LEXIS 35, March 8, 2000

... for one or more of your economic interests? As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

95. Mark P. Wald, Our File No. A-99-302, 2000 Cal. Fair-Pract. LEXIS 16, February 10, 2000

... decision is deemed material. (Regulation 18705.2(a).) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

96. Adam U. Lindgren, Our File No. A-99-313, 2000 Cal. Fair-Pract. LEXIS 18, February 10, 2000

... a material financial effect on G-P? As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

97. Jack L. White, Our File No. A-99-291, 2000 Cal. Fair-Pract. LEXIS 11, January 28, 2000

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

98. Steven J. Rose, Our File No. I-00-012, 2000 Cal. Fair-Pract. LEXIS 7, January 25, 2000

... more of the official's economic interests. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

99. Diane Norman, Our File No. A-99-308, 2000 Cal. Fair-Pract. LEXIS 2, January 6, 2000

... 1975) 1 FPPC Ops. 71, 77.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

100. Laura J. Anderson, Our File No. A-99-284, 1999 Cal. Fair-Pract. LEXIS 241, December 30, 1999

... decision on the Giovannoni Sphere Amendment. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

101. Gail Hutton, Our File No. A-99-245, 1999 Cal. Fair-Pract. LEXIS 206, October 6, 1999

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

102. Eleanore Hahn, Our File No. A-99-239, 1999 Cal. Fair-Pract. LEXIS 209, October 1, 1999

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

103. Jim Dickens, Our File No. A-99-228, 1999 Cal. Fair-Pract. LEXIS 195, September 3, 1999

... foreseeable as a result of the decision. (Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

104. William J. Brunick, Our File No. A-99-214, 1999 Cal. Fair-Pract. LEXIS 185, August 26, 1999

... indeed reasonably foreseeable. (See Regulation 18706.) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

105. Bob Florence, Our File No. A-99-179, 1999 Cal. Fair-Pract. LEXIS 174, August 12, 1999

... in the value of assets or liabilities of \$1,000,000 or more. As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

106. Claire S. Bardos, Our File No. A-99-199, 1999 Cal. Fair-Pract. LEXIS 177, August 4, 1999

... thresholds in Regulation 18705.1(b)(7). As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

107. Anthony P. Condotti, Our File No. A-99-154, 1999 Cal. Fair-Pract. LEXIS 145, July 9, 1999

... Nielsen's residence? (Regulation 18700(b)(6).) As used here, "reasonably foreseeable" means "substantially likely." (Regulation 18706; In re Thorner (1975) 1 ...

108. David J. Weiland, Our File No. A-99-097, 1999 Cal. Fair-Pract. LEXIS 97, May 20, 1999

... decide whether a material financial effect is reasonably foreseeable. "Reasonably foreseeable" means "substantially likely." (Regulation 18706.) Whether the financial consequences of a governmental decision are ...

109. Bob Whitney, Our File No. A-99-076, 1999 Cal. Fair-Pract. LEXIS 85, April 26, 1999

... more in any twelve- month period? (Regulation 18706.) "Reasonably foreseeable" means "substantially likely." (Ibid.) This is a judgment call which depends on all the facts of the circumstances. ...