



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 8, 2010

Mr. Don Chapin

REDACTED

RE: FPPC No. 07/484; Don Chapin

Dear Mr. Chapin:

The Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”) found in Government Code Section 81000, and following.¹ As you may be aware, the Commission was investigating whether you were in violation of the conflict of interest provisions of the Act because of your involvement in a matter as the President of the Board of Trustees of the Lagunita School District relating to your own financial interest. Specifically, the investigation focused on whether you violated the Act by signing warrants on behalf of the Lagunita School District approving payments of invoices to the Don Chapin Company, Inc.

There is no evidence that you violated the Act. As a result, we are closing this case with this letter.

Under the Act, no public official at any level of state or local government may make, participate in making, or in any way use or attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a disqualifying conflict of interest. (Section 87100.) To determine whether an individual has a disqualifying conflict of interest, the Commission generally employs the following sequenced analysis: (1) is the individual a public official; (2) did the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) what are the official’s economic interests, (4) are the official’s economic interests directly or indirectly involved in the governmental decision; (5) what is the applicable materiality standard for each

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.

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economic interest involved; and (6) is it reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest.² (Regulation 18700.)

Regulation 18702.4(a)(1) provides that making a governmental decision shall not include actions of public officials that are solely ministerial, secretarial, manual, or clerical. Ministerial actions do not constitute the making or participating in making of a governmental decision because they do not involve any discretion on the part of the official. (See *Hahn* Advice Letter, No. I-91-037.)

As the President of the Board of Trustees of the Lagunita School District, you were a public official under the Act. Regarding the governmental decisions, the Enforcement Division has determined that your acts of signing for approval of the warrants was ministerial and did not constitute the making or participating in making of a governmental decision. Furthermore, there is no evidence to indicate that you otherwise participated in making any governmental decision involving Don Chapin Company, Inc., so there is no violation of the Act.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding filing obligations over the telephone and through written advice. Please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov if you need assistance.

Sincerely,

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MELLONIE YANG
Assistant Chief
Enforcement Division

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² The additional two steps of the analysis - whether the public generally exception applies and whether the individual is legally required to participate in the governmental decision - are inapplicable to this matter.