



## FAIR POLITICAL PRACTICES COMMISSION

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

April 1, 2015

David Turner  
Fort Bragg City Council Member

**Re: Advisory Letter  
FPPC No. 15/185: David Turner**

Dear Mr. Turner:

As you know, the Enforcement Division of the Fair Political Practices Commission (the "FPPC") received a sworn complaint against you. After review of the complaint, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The Enforcement Division enforces the provisions of the Political Reform Act (the "Act").<sup>1</sup> 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 official position to influence a governmental decision in which he knows or has reason to know he has a disqualifying conflict of interest. (Section 87100.)

To determine whether an individual has a disqualifying conflict of interest, the FPPC generally employs the following sequenced analysis: (1) is the individual a public official; (2) did or will the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) does the official have economic interests directly or indirectly involved in the governmental decision; (4) what is the applicable materiality standard for each involved economic interest; and (5) whether it is reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest. (Regulation 18700.)

Step 3 of the analysis is to determine if the public official's economic interest are directly or indirectly involved. (Regulation 18705.) Your economic interests were indirectly involved when you participated in the January 12, 2015 decision to approve Resolution 14-439. Regulation 18705.2 was in effect for governmental decisions involving an interest in real property. This regulation considers the financial effect on real property, and defers to

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations.

Regulation 18705.1 for determining the materiality standard for commercial property containing a business entity. For business entities not large enough to be Fortune 500, NASDAQ, or the NY Stock Exchange, the financial effect of a governmental decision on a business entity is material if it is reasonably foreseeable that the governmental decision will result in the business entity's revenues, expenses, or assets increasing or decreasing by a specified amount. (Copy enclosed.) It does not appear the decision made on January 12, 2015, had a material financial effect on your economic interests as set forth in Regulation 18705.1, which is why the Enforcement Division is not pursuing this matter further.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact Teri Rindahl at 916.327.2018.

Sincerely,

A black rectangular box redacting the signature of Galena West.

✓ Galena West, Acting Chief  
Enforcement Division

GS/tr

cc: Joseph Wagner