



FAIR POLITICAL PRACTICES COMMISSION

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

September 8, 2015

Salvador Gonzalez
[REDACTED]
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Re: Advisory Letter
FPPC No. 15/065: Salvador Gonzalez ✓

Dear Mr. Gonzalez:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, the Enforcement Division initiated an investigation against you concerning the conflicts of interests provisions of the Act. The Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

After a full investigation, the Enforcement Division has found insufficient evidence to establish that you violated the Act in this regard. The evidence showed that you were a public official as an Environmental Scientist for the Department of Toxic Substances Control, you made governmental decisions when you inspected auto repair facilities as part of your job duties, and you had a qualifying economic interest because you solely owned an auto repair business in the jurisdiction. However, your auto repair business was not directly involved in the inspections, so it was indirectly involved under the Act at the time of the decisions. And it was not reasonably foreseeable at the time of the decisions that the materiality thresholds in Regulation 18705.1, subdivision (c) would have been met. Therefore, we have closed our investigation against you in this matter.

Even though we are closing our file in this matter, please be advised of the conflicts of interests provisions of the Act in any future actions you may take as a government official. The Act's conflicts of interests provisions regarding reasonable foreseeability have recently been changed. Specifically, the reasonable foreseeability analysis now includes:

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

(4) Whether a reasonable inference can be made that the financial effects of the governmental decision on the public official's financial interest might compromise a public official's ability to act in a manner consistent with his or her duty to act in the best interests of the public.

(5) Whether the governmental decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interests, including whether the financial interest may be entitled to compete or be eligible for a benefit resulting from the decision.²

You should take particular care in decisions involving auto repair facilities which compete with or are in close proximity to your auto repair shop. If you need guidance regarding the Act's conflict of interest provisions, please contact the Commission's Technical Assistance Division at 1-866-275-3772, or visit our website at www.fppc.ca.gov.

If you have any questions regarding this matter, please feel free to contact me at

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Sincerely,

[REDACTED]

Angela J. Brereton
Senior Commission Counsel
Enforcement Division

² Regulation 18701 (b)(4) and (5).