



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

November 8, 2011

✓ Mr. Michael Toerge

REDACTED

RE: Advisory Letter

FPPC File No. 11/1025; Michael Toerge

Dear Mr. Toerge:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. The Enforcement Division received a complaint against you alleging that you had a conflict of interest when you participated in several decisions concerning the AERIE condominium project located at 201/207 Carnation Avenue and 101 Bayside Place.

The complainant alleged that since your apartment was located within 500 feet of the proposed project, you had conflict of interest and should not have been participating in discussions and votes of the City of Newport Beach Planning Commission.

Under the Act, when an official has a leasehold interest in real property, the official has a conflict of interest from participating if the decision could affect such things as the termination date of the lease, the amount of rent paid, the value of the right to sublease the property, the legally allowable use of the property, or the use and enjoyment of the leased property. (Regulation 18705.2(a)(2).)

Since the complainant did not provide evidence that the decision would affect any of the factors in Regulation 18705.2(a)(2), we are closing our file on this matter. However, in the future, prior to participating in any decision for a project located within 500 feet of your apartment, please contact this agency's Technical Assistance Division at (916) 322-5660 for advice.

Sincerely

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Jeanette E. Turvill
Political Reform Consultant
Enforcement Division

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