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

January 7, 2011

Mr. Thomas Flynn
Southern California Edison Company
Redacted

RE: FPPC No. 10/262; Thomas Flynn

Dear Mr. Flynn:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. As you are aware, the Commission received a complaint against you alleging that you influenced prospective employment with Southern California Edison ("SCE") by making, participating in making, or influencing decisions which directly related to SCE while working as a Project Manager with the California Public Utilities Commission. The FPPC has completed its investigation of the facts in this case, and has decided to close the case without further action.

Under the Act, no public official shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment (Section 87407.) Regulation 18747 (a) states that no public official shall "make," "participate in making," or "use his or her official position to influence" any governmental decision, as defined in 2 Cal. Code Regs., sections 18702.1, 18702.2, 18702.3, 18702.4, if the decision directly relates to a prospective employer. Subdivision (c)(1) further states that a public official is "negotiating" employment when he or she interviews or discusses an offer of employment with an employer or his or her agent.

The *Bonner* Advice Letter, FPPC No. I-98-287, differentiates between informal employment inquiry and activity that rises to the level of "negotiating." It states that under Regulation 18747(c)(1), the act of sending résumés to specific entities would not constitute "negotiating." Similarly, entertaining informal inquiries about future plans and receiving expressions of general interest in discussing potential employment opportunities at some point in the future is not considered "negotiating." The *Bonner* Letter further explains that, while the regulation does not explicitly refer to "scheduling" an interview, the scheduling, conduct, and follow-up of an interview is construed as one continuous process.

We examined your activities with the PUC commencing with the date you scheduled the employment interview with SCE and ending with your final date of employment with the PUC; and did not find evidence that you made, participated in making, or used your official position to influence, any governmental decision directly relating to SCE. The Commission has completed a review of the forgoing allegations and closed this case without finding a violation. However, any newly discovered evidence indicating that you were making, influencing, or participating in making decisions which directly related to SCE during the time period in which they were a prospective employer may warrant further enforcement action.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act, so if you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Sincerely,

Redacted

Zachary W. Norton
Commission Counsel
Enforcement Division