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

February 10, 2010

James Barrett

REDACTED

RE: **Advisory Letter**
FPPC Case No. 07/428, James Barrett

Dear Mr. Barrett:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act) found in Government Code section 81000, and following. We received a complaint alleging that you, a member of the Board of Directors for the Salton Community Service District (District), violated the conflict of interest provisions of the Act. Specifically, the complaint alleged that while you were a member of the Board of Directors, you had a contract with the District to operate the District website, and that you misappropriated the website during this time. We have decided to close this matter with an advisory letter.

The primary purpose for the conflict of interest provisions of the Act is to ensure that public officials, whether elected or appointed, perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. (Section 81001, subd. (b).) As a result, Section 87100 prohibits public officials from making, participating in making, or attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. 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 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.[1] (See Regulation 18700.)

In this matter, the contract that you had with the District was unpaid and voluntary. Therefore, we have determined that you did not have an economic interest under the Act.

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[1] The additional two steps of the analysis are inapplicable in this matter.

Even though we are closing our file on this matter, please be advised of the conflict of interest provisions of the Act, as discussed above. Failure to comply with the provisions of the Act in the future may result in an enforcement action against you, including monetary penalties of up to $5,000 for each violation.

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

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,

REDACTED

Bridgette Castillo
Commission Counsel
Enforcement Division