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

July 26, 2010

Mr. Wally Riggs
REDACTED

RE: FPPC No. 08/016; Wally Riggs

Dear Mr. Riggs:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is in response to an investigation begun against you by the FPPC based on complaint that alleged you were in violation of the Act's conflict of interest provisions as a result of your participation on the San Diego County Crest–Dehesa-Granite Hills-Harbison Canyon Sub Regional Planning Group (Planning Group) vote to make recommendations on a proposed subdivision of a property within 500 feet of your residence. The complaint also alleges this conduct was a violation of San Diego County policies, which are not covered under the Act, and are not addressed in this letter.

The FPPC has completed its investigation of this complaint and found that you did not violate the Act.

The Act prohibits public officials, which includes county supervisors, from making, participating in making or influencing governmental decisions in which the official has a material financial interest. Specifically, Section 87100 of the Act states: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

---

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

To determine whether a public official has a disqualifying conflict of interests, the FPPC generally employs the following sequenced analysis: 1) was the individual a public official; 2) did the official make, participate in making, or use or attempt to use his official position to influence a governmental decision; 3) what are the public official's economic interests; 4) was the economic interest affected by the decision, either directly or indirectly; 5) was the economic interest materially affected by the decision; 6) was it reasonably foreseeable that the economic interest would be materially affected by the decision; 7) was the reasonably foreseeable financial effect distinguishable from the effect on the public generally (See FPPC Regulation 18700.)

A "public official" is defined as "every member, officer, employee or consultant of a state or local government agency. (Government Code Section 82048) The term "member" shall include salaried or unsalaried members of committees, boards or commissions with decisionmaking authority. (FPPC Regulation 18701)

In this matter, the San Diego County Board of Supervisors created the Planning Group to act in an advisory capacity to the Director of Planning, the Zoning Administrator, the Planning Commission, the Board of Supervisors and others involved in the County planning process. The Planning Group is not empowered to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials.

Since the Planning Group does not have decisionmaking authority, you were not a "public official" under the Act and could not, therefore, have had a conflict of interest under the sequenced analysis described above.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding your obligations over the telephone and through written advice. If you need assistance, please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

GARY S. WINUK
Chief, Enforcement Division

cc: Marc Blakeney