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

September 28, 2009

Michael Stern

REDACTED

Re: FPPC No. 07/784, Michael Stern

Dear Mr. Stern:

This letter concerns a complaint we received in November 2007 regarding your possible violation of the conflict of interest provisions of the Political Reform Act, (the "Act").[1] The complaint alleged that you, as the Chairman of the Palm Springs Arts Commission, violated the conflict of interest provisions on June 6, 2007 and July 12, 2007, in connection with decisions involving your source of income as a curator with the Palm Springs Art Museum.

Specifically, the complaint alleged that you used your official position as a member of the Palm Springs Arts Commission on June 6, 2007 to influence a decision of the Palm Springs City Council to allocate $70,000 of art commission funds for an art exhibition featuring photographer Julius Shulman. The Shulman exhibition was to be held at the Palm Springs Art Museum and you were to serve as a guest curator for the event, a paid position, and therefore, a source of income to you. On July 12, 2007, the Palm Springs Art Commission considered the sponsorship of the Shulman exhibition at the Palm Springs Art Museum in the amount of $70,000. You recused yourself from this agenda item and publically indicated that you were a curator for the event. The complaint alleged that you violated the Act by not fully complying with the requirements of Section 87105 and Regulation 18702.5 in disqualifying yourself.

Based on our review of the facts and circumstances of this matter, there is no evidence to establish that you used your official position in an attempt to influence the decision-making of the Palm Springs City Council on June 6, 2007 with regard to the $70,000 budget allocation for the Shulman exhibition. Furthermore, you properly recused yourself from the discussion of this item at the July 12, 2007 Palm Springs Art Commission meeting. You disqualified yourself from participating in the discussion and publicly indicated your position as a museum curator. The specific requirements of Section 87105 and Regulation 18702.5 only apply to public officials listed in Section 87200, which does not include members of art commissions. (A copy of the above statutes and regulation are enclosed for your reference.)

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[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.

Based on the above facts, we have determined that there was no violation of the conflict of interest provisions and our file in this matter has been closed.

If you have any questions regarding our decision, please feel free to contact me at (916) 322-5660.

Sincerely

REDACTED

Metodee A. Mathay
Staff Counsel IV
Enforcement Division

Enclosures