



# California Fair Political Practices Commission

May 5, 1994

Pamela Morey  
Director  
Westport County Water District  
c/o Victor Mueller  
25620 Ward Avenue  
Fort Bragg, CA 95437-8459

Re: Your Request for Informal Assistance  
Our File No. I-94-058

Dear Ms. Morey:

This is in response to your letter requesting advice regarding your responsibilities under the conflict-of-interest provisions of the Political Reform Act (the "Act").<sup>1</sup> This letter shall also serve to confirm our telephone conversation of January 25, 1994. Specifically, you asked if you violated the Act by voting on agenda items which involved Sandra Bruning.<sup>2</sup>

Your request does not address a pending decision but rather seeks comment regarding conduct of yours that has already taken place. We cannot provide you with advice concerning that conduct. Regulation 18329(b)(8)A) provides that formal written advice must be declined where the "requestor is seeking advice relating to past conduct."

However, the Commission can provide advice that is prospective in nature. In your letter you also asked if you may vote on unfair billing practices. Because your question is general in nature and your letter does not seek advice regarding a specific pending governmental decision, we treat your letter as a

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations, Sections 18000-18954. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2</sup> In your letter you state that Sandra Bruning is a neighbor and friend of yours. You helped her type up county forms and get through the county process of acquiring a use permit for a bed and breakfast inn plus a gift shop. You were listed on her use permit as her "Agent." Ms. Bruning's permit was granted by the county and became final September 14, 1993.

request for informal assistance pursuant to the provisions of Regulation 18329.<sup>3</sup>

You implied in your letter that a decision concerning billing practices will have a financial effect on Sandra Bruning, owner of the Blue Victorian Inn, and Velma Bowen, owner of the Pelican Lodge and Inn. You also stated in your letter that you have not received any money from Ms. Bruning for helping her obtain a use permit for her bed and breakfast inn and gift shop; nor do you have any financial interest in her business; nor have you received any gifts from Ms. Bruning in the amount of \$250 or more.

The Act prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. (Section 87100.) The Act specifies that an official has a financial interest if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the official or a member of his or her immediate family or on:

(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public

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<sup>3</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

official within 12 months prior to the time when the decision is made.

(Section 87103.)

From the information you have provided, it does not appear that Sandra Bruning is an economic interest of yours.<sup>4</sup> Thus, absent some disqualifying economic interest as set forth in Section 87103, or some direct financial effect on you personally resulting from a county water board decision concerning billing practices, you may make, participate in making, or use your official position to influence such a decision.

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.<sup>5</sup>

Sincerely,

Steven G. Churchwell  
General Counsel



By: Deanne Stone  
Senior Commission Counsel

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<sup>4</sup> This letter is based on the facts presented to us. The Commission does not act as the finder of fact in providing advice. (In re Ogelsby (1975) 1 FPPC Ops. 71.)

<sup>5</sup> Copies of Commission regulations and Opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.