



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

August 31, 2023

Douglas Kim
[REDACTED]

Re: No Action Closure Letter: FPPC Case No. 2019-00279, In the Matter of Douglas Kim

Douglas Kim,

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ The Enforcement Division received a complaint against you alleging that you failed to disclose reportable interests and that you had a conflict of interest when you made governmental decisions as a member of the Cities/County Association of Governments of San Mateo County Governing Board. The Enforcement Division is closing our investigation in this matter due to insufficient evidence of a violation.

Under the Act, a public official must disclose assets and income that may be materially affected by their official actions.² Furthermore, a public official must abstain from participating in decisions if it is reasonably foreseeable that a decision will have a material financial effect on an economic interest.³

The complaint alleged that you should have recused yourself from decisions made in your role as a member of the Cities/County Association of Governments of San Mateo County Governing Board while you were an employee of the San Mateo County Transit District and specifically mentioned a managed lane project that would encompass a stretch of the 101 freeway in San Mateo County. The complaint alleges that you failed to disclose conflicts.

The Act provides that a government salary is not considered income within the meaning of the Act.⁴ Therefore, there is no conflict based on this economic interest or based on the work you completed in your capacity as a government-salaried worker. It is possible that if your income were as an independent contractor, this income would be reportable. On your Statement of Economic Interests, you report two entities as single sources of income of \$10,000 or more to your business, Douglas Kim + Associates, LLC, including CAJA Environmental Services, LLC., and Impact Sciences. There is insufficient evidence that you failed to report an economic interest.

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Sections 81002 and 87200.

³ Section 87103.

⁴ Section 82030, subdivision (b)(2).

In 2018, your business entered into a contract with the City of East Palo Alto.⁵ It is unlikely that this source of income would create a conflict of interest with respect to votes taken by the Board of the Cities/County Association of Governments of San Mateo County. Generally, these votes are resolutions to set policy and direction for large-scale cooperative agreements between governmental entities to improve the quality of life in the area. The decisions require further input from those governmental entities, securing agreements and understandings between those entities, and require securing funds from various sources. Therefore, there are numerous intervening events that make it difficult to establish that any material financial effect would be reasonably foreseeable.⁶ Furthermore, it is likely that any material financial effect on your source of income, the City of East Palo Alto or other clients of your business, would be indistinguishable from the public generally.⁷

There is insufficient evidence to show a violation of the Act. Therefore, we have closed our investigation in this matter. If you have any questions regarding this matter, please feel free to contact me at 916-323-6421.

Sincerely,
Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

⁵ http://www.ci.east-palo-alto.ca.us/AgendaCenter/ViewFile/ArchivedAgenda/_11202018-757

⁶ Regulation 18701, subdivision (b)(1).

⁷ Regulation 18703.