



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

April 30, 2024

John Gaglioti



Re: No Action Closure Letter: FPPC Case No. 2021-01160, In the Matter of John Gaglioti

Dear John Gaglioti,

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act.¹ This letter arises from a sworn complaint alleging that you, in your capacity as a member of the Del Rey Oaks City Council, had a conflict of interest when you made a governmental decision related to the Fort Ord Regional Trail and Greenway project (“FORTAG”).

No public official at any level of state or local government may make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which the official knows or has reason to know they have a financial interest.² A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on the official, the official’s immediate family, or on the official’s financial interest or interests.³ When the official’s financial interest is a real property interest, the financial effect is considered material when the decision involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official’s property.⁴

The FORTAG is a proposed project for a 27-mile bike and pedestrian path, including a segment in the Del Rey Oaks jurisdiction. As the city considered this project, the city sought advice regarding potential conflicts of interest. As part of that advice, the city was advised that if a member of the Council’s personal residence was within 500 feet of the proposed project, the official would have a conflict of interest. According to the most recent proposals for the FORTAG project, your personal residence and real property interest is within 500 feet of the project. Therefore, under this analysis, you would have a conflict of interest with respect to decisions concerning the FORTAG project unless an exception existed.

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

² Section 87100.

³ Section 87103.

⁴ Regulation 18702.2, subdivision (a)(7).

Community members opposed the project and conducted a petition to halt the project by means of a ballot measure. The ballot measure proponents successfully brought forward the petition to the city council. On November 16, 2021, the City Council voted to place the initiative on the ballot for the consideration of the voters. Under the regulation, an official makes a decision when the official authorizes or directs any action, votes, obligates or commits the official's agency to any course of action, etc.⁵ You made in a decision related to FORTAG by voting to send the issue to the voters.⁶

However, the public generally exception applies here and therefore, you did not have a conflict of interest with respect to the November 16, 2021 decision. Del Rey Oaks is a small community, both in total area and in population. When a governmental decision's financial effect on a public official's financial interest is indistinguishable from its effect on the public generally, the decision does not cause a conflict of interest.⁷ To establish this exception, the official must show that a significant segment of the population is affected. According to information provided to the Enforcement Division, the FORTAG project is within 500 feet of at least 15% of all residential real property interests in Del Rey Oaks. As the impacted financial interest is your primary residence, the public generally exception applies here.⁸

Please feel free to contact me at (279) 237-5960 or tgilbertson@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Sworn Complainant, Patrice Vecchione
City of Del Rey Oaks

⁵ Regulation 18704, subdivision (a).

⁶ The Commission has previously issued advice on a similar fact pattern, see A-11-023, finding that when officials vote to submit an initiative petition to the ballot for voter consideration, this action is a decision within the meaning of the conflict of interest provisions and does not qualify for an exception.

⁷ Regulation 18703.

⁸ Regulation 18703, subdivision (b)(2).