



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

August 30, 2024

Carol Fall
Via email: cfall@trinitycounty.org

William Sharp
[REDACTED]

Re: No Action Closure Letter
FPPC Case No. 2022-00577 – In the Matter of Carol Fall
FPPC Case No. 2022-00578 – In the Matter of William Sharp

Dear Carol Fall and William Sharp:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you know, the Fair Political Practices Commission received a sworn complaint against Carol Fall (“Fall”) and William Sharp (“Sharp”) in their capacities as Planning Commissioners for Trinity County. Specifically, the complaint alleged that both officials had a conflict of interest when they voted to send an ordinance to the Board of Supervisors for approval. After an investigation, the Enforcement Division has determined that the allegation has been disproven.

Under the Act, a public official must disclose assets and income that may be materially affected by their official actions. (Section 81002 and 87200.) 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. (Section 87103.)

On April 14, 2022, the Trinity County Planning Commission voted on a Resolution, “Adopting guidelines for the establishment of commercial cannabis in opt out areas and ordinance amending [zoning ordinances] to create and apply a cannabis exclusion overlay district.” Both Fall and Sharp have real property interests that were included in the verbiage of this ordinance² and therefore it is reasonably foreseeable that the governmental decision would have a financial effect on their financial interests.³ A financial effect is considered material if the decision would

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 The resolution amended an existing ordinance. In fact, the properties held by Fall and Sharp were included in an earlier version of the ordinance passed in 2017. The 2022 amendment added additional parcels to the exclusion zone and did not change the impact of the ordinance on Fall and Sharp’s properties. For purposes of this letter, this analysis assumes a material financial effect since the 2022 ordinance referenced the type of zoning and designated areas where the officials held real property interests.

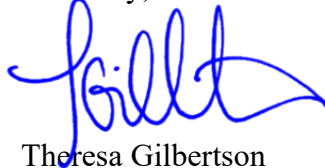
³ See Regulation 18701, subdivision (a).

determine the parcel's zoning.⁴ The decision at issue here amends the County's zoning ordinance to permit some parcel owners to apply for a permit to grow cannabis. However, certain districts and certain categories of zoned parcels, such as Residential zoned parcels, were excluded from consideration for a permit. The real property interests held by both Fall and Sharp were included in this exclusion zone.

Though the governmental decision could result in a reasonably foreseeable material financial effect on both Fall and Sharp's financial interest, the Enforcement Division has determined that the public generally exception applies here. The governmental decision at issue establishes the process and eligibility for obtaining a permit to cultivate cannabis for the entire county. The parcels that were excluded from this process constitute approximately 43% of all parcels with an address in Trinity County. When a governmental decision's financial effect on a public official's financial interest is indistinguishable from its effect on the public generally, there is no conflict of interest and the official may vote on the matter. In order to find that the exception applies, there must be a finding that a significant segment of the public is affected, such as at least 25% of all real property within the official's jurisdiction. As the effect of the April 14, 2022 governmental decision was very broad, the public generally exception applies and the alleged conflict of interest has been disproven.

If you have any questions regarding this matter, please feel free to contact me at (279) 237-5960.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Sworn Complainant, Lisa Wright

⁴ Regulation 18702.2, subdivision (a)(2).