



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Silver and Commissioners Brandt, Ortiz, and Wilson

From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel

Subject: **Advice Letter Report**

Date: May 1, 2026

The following advice letters have been issued since March 27, 2026, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the May 14, 2026, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Heather Baker – [A-26-023](#)

The Act prohibits a council member, who is also the President and chief executive of the city's chamber of commerce, from taking part in governmental decisions regarding a digital kiosk program. Under the nexus test, it is reasonably foreseeable that the decisions will have a material financial effect on the councilmember's source of income interest in the chamber of commerce because the decisions will achieve, defeat, aid, or hinder a purpose or goal of the source, and the council member receives or is promised income from the source for achieving the purpose or goal. Additionally, under the nexus test, the Act prohibits the council member from taking part in decisions on a minimum wage ordinance. It is also reasonably foreseeable that the decisions relating to a minimum wage ordinance will have a material financial effect on the councilmember's personal finances. Finally, the council member may participate in decisions relating to a short-term rental ordinance because it is not reasonably foreseeable that those decisions will have a material financial effect on the chamber or the council member's personal finances.

Holly Mitchell – [A-26-029](#)

Notwithstanding disqualification due to a real property interest within 1,000 feet of a proposed rail line station entrance, a transportation authority board may segment governmental decisions regarding underground tunnel locations that are not inextricably interrelated to decisions regarding the proposed station entrance. Under Regulation 18706, the board member may take part in the remaining decisions in which she does not have a disqualifying financial interest provided the board first considers the decisions in which the board member has a disqualifying financial interest and reaches a final decision without the disqualified board member taking part in the decisions, and the remaining decisions do not reopen the prior decisions.

Juan Morán – [A-26-035](#)

An official who is the beneficiary of his parents' revocable trust, and receives no distribution from that trust, does not have a financial interest in the property held in the trust for purposes of the Act. Barring any other interest in the decision, the official may take part in decisions regarding a boundary issue and variance for the property without violating the Act's conflict-of-interest provisions.

Lobbying**Corinne Gibson – [A-26-016](#)**

Members of an expert panel convened by the State Water Board are not qualifying officials, such that direct communications with the panel would require an individual to register as a lobbyist. However, compensation paid to a staff member to communicate with the panel to influence their recommendations to the State Water Board constitutes lobbying activity, which will be reportable if an organization meets the reporting threshold.

Mass Mailing**Larry Cohen – [A-26-028](#)**

A county treasurer-tax collector's office may send a mass mailing to property owners paid for with public money, which includes the official's name and title on the letterhead, and references to the official's title in the text of the letter when necessary for the payment or collection of funds.

Revolving Door**Craig Scholer – [A-26-013](#)**

A former deputy director of a subsidiary state agency is not prohibited under the one-year ban from appearing before or communicating for compensation with officials from their former parent agency and its various boards, departments, and offices, other than the official's former subsidiary agency itself, because the subsidiary agency controls its own budget, its personnel management is independent of the parent agency, and it has independent operational controls.

Section 1090**Kaitlyn Schwendeman – [A-25-169](#)**

A school district board trustee, who is also an uncompensated board member of a nonprofit organization developing affordable housing, does not have a financial interest under the Act in district decisions regarding a potential workforce-affordable housing project involving the nonprofit organization. Similarly, as an uncompensated officer of the nonprofit, the trustee has a noninterest under Section 1090 in an exclusive negotiating agreement between the district and the nonprofit, provided one of the nonprofit's primary purposes supports the functions of the district. Thus, the district may act on the agreement, and the trustee can take part in the agreement, so long as the trustee discloses his interest at the time the agreement is considered.

Heather Baker – [I-25-170](#)

Generally, where a city council member is employed as the president and CEO of the city's chamber of commerce, the official may not participate in any manner in a decision that explicitly involves the Chamber, or where it is reasonably foreseeable that the decision will have a material financial effect on the chamber as a source of income to the official under the standards in Regulation 18702.3, including the "nexus" test. Where the official has a disqualifying financial interest under the Act, the official may not use their official position to influence a decision, including appearing in front of the city council or city staff. The official will also be prohibited under Section 1090 from taking part in any manner in a contract decision involving the chamber.

Alej Contreras – [A-26-025](#)

For a state employee who is an uncompensated volunteer for a nonprofit organization, the Act does not prohibit the employee from taking part in governmental decisions to grant funds to the organization because the employee does not have a financial interest in the organization. With respect to Section 1090, the employee has a noninterest in the contract with the organization under Section 1091.5(a)(7). As long as the employee's interest in the organization is disclosed to the state agency at the time of the first consideration of the contract, and the employee's interest is noted in the state agency's official records, Section 1090 does not prohibit the employee from taking part in the contract with the organization.

Statement of Economic Interest**Michael Groch – [A-26-036](#)**

A judge who is a beneficiary of their parent's spousal trust does not have a reportable economic interest in the trust because the official does not presently receive income and does not have an irrevocable future right to receive income or principal from the trust. Based on the facts provided, the judge does not have an irrevocable future right to income or principal because powers exist to invade the trust principal, and these powers are not limited by an ascertainable standard relating to the health, education, support, or maintenance of the beneficiaries. Additionally, the official's mother has the power under the trust to further designate who will receive trust assets.