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

To: Chair Silver and Commissioners Brandt, Ortiz, and Wilson

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

Subject: **Advice Letter Report**

Date: August 28, 2026

The following advice letters have been issued since July 31, 2026, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the September 17, 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-26-066
Pursuant to the nexus test, the Act prohibits a city council member, who is also the president and CEO of the chamber of commerce, from taking part in governmental decisions relating to a city project to design and build transit priority on a specific road within the city, impacting the businesses adjacent to the road. Based on the facts provided, it is reasonably foreseeable that the decisions will have a material financial effect on the council member's interest in the chamber as a source of income because the decisions will achieve, defeat, aid, or hinder a purpose or goal of the source, and the city council member receives or is promised income from the source for achieving the purpose or goal.

John Kennedy – A-26-085
A mayor does not have a conflict of interest in a series of decisions relating to public safety improvements on a roadway within 500 feet of her condominium residence because the public generally exception for limited neighborhood effects applies. Based on the facts provided, the decision affects residential real property at a specific location, encompassing more than 50, or five percent of the residential real properties in the official's jurisdiction, and the decision improves public safety. Moreover, the city council has gathered sufficient evidence to support the need for the action at the specific location.

Revolving Door

Fred Money – I-26-042
Under the Act, a former state employee may consult with a private entity to provide subject-matter expertise and advise on the policies, procedures, and plans of their former agency, provided that the former employee does not communicate or appear before their former agency, or an employee or official of their former agency, for one year after leaving state employment. However, the former employee may not assist the private entity in communications or

appearances, or participate in matters related to a proceeding involving specific parties if the official previously participated in the proceeding as a state employee. Also, the Act may prohibit the official from consulting for compensation on legislation relating to a "special statute" that involves a specific person, place, or interest, if the official previously participated in a related proceeding involving the same party while employed by the State.

Jake McDermott – A-26-080
The one-year ban does not prohibit a former state employee from making communications and appearances before their former state agency more than 12 months after their employment, so long as those communications or appearances are not otherwise prohibited by the permanent ban. Also, a rulemaking of general applicability is not a "proceeding" subject to the permanent ban.

Section 1090

Joanna Powell – A-26-044
The president of a school district's board of trustees who performs contract work for a company has a conflict of interest under Section 1090 in any contract between the school district and the company. However, the "remote interest" exception under Section 1091(b)(2) applies because the company has 10 or more other employees, the president was an employee or agent of the company for at least three years prior to taking office, the president does not own more than 3 percent shares of stock in the company, and the president would not provide services relating to the proposed projects and would not participate in formulating a bid. Accordingly, the school district is not prohibited from entering the contract provided that the president does not participate in the decisions.