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: November 3, 2026

The following advice letters have been issued since September 25, 2026, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the December 3, 2026, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at the advice search.

Conflict of Interest

Jannie Quinn – A-26-093
A mayor, also employed as a policy-level associate at a nonprofit focused on countywide housing needs, is disqualified from taking part in specific city decisions related to two development projects, a housing strategy, and a zoning district. Under the nexus test, it is reasonably foreseeable that the decisions will have a material financial effect on the mayor's source of income financial interest because the decisions will achieve, defeat, aid, or hinder a purpose or goal of the source and the mayor receives income for achieving the purpose or goal. However, the mayor is not disqualified from taking part in decisions related to updating the existing historic preservation ordinance, as it is not reasonably foreseeable that the decisions will have a material financial effect on the mayor's source of income financial interest.

Rachel Van Mullem – A-26-099
County supervisor, who owns real property approximately eight feet from an underground crude oil pipeline, has a disqualifying financial interest in the county's decisions regarding the reassessment of mitigation fund fees applicable to the pipeline. The supervisor also has a disqualifying financial interest in the county's decision to engage in lobbying activity to oppose pending federal legislation related to the operation of that pipeline and may not use her official position to influence that decision.

Kristin M. Horrell – A-26-105
The Act does not prohibit a field representative for a county supervisor from accepting temporary employment as a senior coach with a nonprofit funded by a voter-approved grant. Once the official receives or is promised $500 or more in income from the nonprofit, it becomes a disqualifying source of income. The official must recuse herself from any decision that will have a reasonably foreseeable material financial effect on the nonprofit, including decisions concerning a prior completed grant or any future grant application by the nonprofit.

Zaynah Moussa-Milward – A-26-106
A mayor and city council member may take part in decisions related to the placement of ballot measures on the ballot to modify the city's special parcel tax because the officials' financial interests are not subject to the tax and so they do not have a financial interest in those decisions. Under the Act, the public generally exception applies to allow a mayor and city council member to take part in decisions related to the placement of ballot measures on the ballot to modify the city's utility users and public safety parcel tax because at least 25 percent of the businesses within the city would be affected by the decisions, and the officials' interests would not be uniquely affected.

Brian A. Pierik – A-26-108
Under the Act, it is not reasonably foreseeable that a decision in a hearing before a city's building code board of appeals, which may require the appellee to install a fire sprinkler system, would have a material financial effect on a board member's business that provides fire sprinkler installation services. Based on the facts provided, the board member's business is not a party to the hearing, and there are nine other businesses in the area that can provide fire sprinkler installation services.

Sarah Lang – A-26-111
Under the "public generally exception," a vice mayor is not prohibited from taking part in decisions regarding a traffic-calming road modification project, despite the project site being less than 500 feet from his property. The public generally exception for a limited neighborhood effect applies because the project: (1) impacts a specific location encompassing more than 50 residential units; (2) will impose traffic controls and improve public safety; and (3) does not have a unique effect on the vice mayor's real property.

Conflict of Interest Code

Kimberly Rodriguez – A-26-110
The trustees of an employment welfare benefits trust and nonprofit voluntary employees' beneficiary association created by a charter school's trust agreement are considered "public officials who manage public investments" who must file a Statement of Economic Interests with the Commission pursuant to Section 87200 *et seq*. The trustees are selected based on their employment position with the charter school, an agency subject to the Act, or upon the recommendation of the agency's Superintendent.

Section 1090

Jason M. Ewert – A-26-038
Section 1090 does not prohibit the members of a special district board from approving a lease agreement with a homeowners' association to operate district-owned park and recreation properties and facilities. The rule of necessity permits approval of the lease agreement between the district and the association, as it is an essential duty of the district that only it is legally capable of performing.
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Aleks R. Giragosian – A-26-078
Neither the Act nor Section 1090 prohibits hospital district directors from taking part in a decision by the district to award grants to the nonprofit hospital corporation that supports the hospital's activities. Under the Act, the stipend the district, a public agency, pays the directors is not considered income for purposes of disqualification. Thus, neither director has a potentially disqualifying financial interest resulting from the stipend. Similarly, under Section 1090, the directors have a noninterest in the grant award because they do not receive compensation and the nonprofit hospital corporation supports the hospital's activities. Thus, the directors may take part in a district decision to award the grant provided they disclose their interest in the district's official records.

Jeffrey G. Scott – A-26-084
Section 1090 prohibits a healthcare district from entering into an employment contract with a former member of the district's board of directors to serve as the district's chief executive officer because the facts establish that the former board member participated in the making of the future contract by engaging in activities to influence the contract to promote their personal interest in the position.

Taj Herzer-Baptiste – A-26-086
Section 1090 prohibits a city commissioner from participating in decisions related to the emergency medical technician position in an official capacity and then subsequently seeking employment for that same position. Thus, Section 1090 will prohibit the employment contract if the commissioner has participated in the hiring decision, including, but not limited to, submitting a proposal regarding the position to the city or agendizing the commissioner's proposal for public discussion by the commission.

Hilda Cantu Montoy – A-26-090
Section 1090 does not prohibit a city from contracting with an independent contractor for architectural services where the city had previously contracted with the independent contractor for an earlier phase of the same project. Since the independent contractor's participation in the initial contracts was limited to creating a conceptual floor plan that was later included in the request for proposals for a later phase of the same project and accessible to all proposers, the independent contractor had not engaged in or advised on the making of the subsequent contract pursuant to Section 1097.6(b).

Jennifer McGrath – A-26-109
Section 1090 prohibits the county and a supervisor from entering into an agreement for partial loan forgiveness. The noninterest exception in Section 1091.5(a)(3) for "public services generally provided" does not apply to a partial loan forgiveness program that is discretionary, and when only six loan recipients, including the supervisor's business, would be eligible for partial forgiveness, with accelerated forgiveness for loan recipients who have made more consecutive on-time payments.

Keith F. Collins – A-26-116
Where an official does not have a financial relationship with an adult child and has not identified any other financial interest related to the decisions, neither the Act nor Section 1090 prohibits her from participating in City decisions to modify a franchise agreement with a solid waste hauling company that employs her adult child.