

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

87100  
87103(c)

April 7, 1977

77-04-234

George M. Sanger, M.D.  
Obstetrics and Gynecology  
1337 Orange Avenue  
Coronado, California 92118

Dear Dr. Sanger:

This is in reply to your inquiry of March 30, 1977. You ask whether you are required to disqualify yourself with respect to a pending decision of the Coronado Unified School District, of which you are a member, regarding Dr. Melvin Bensley. Mrs. Bensley was a patient of yours in 1971 and all fees for services rendered to Mrs. Bensley were paid in 1971.

Government Code Section 87100 provides:

87100. Public Officials; State and Local. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Financial interest is defined as:

87103. Financial Interest. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within twelve months prior to the time when the decision is made...

As shown in the italicized portion of Government Code Section 87103(c), in order to invoke the disqualification provisions of the Act regarding a source of income, the official must make the decision which effects the interest, which is a source of income, within

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twelve months of the time the income was received or promised to the public official. Clearly, the 1971 payment of the Bensleys would not now disqualify you from participating in decisions involving Dr. Bensley. If you have further questions, please do not hesitate to call me at 916/322-6444.

This letter constitutes staff advice pursuant to Government Code Section 87114(b).

Sincerely,



Delbert L. Spurlock, Jr., Chief  
Conflicts of Interest Division

DLS:mfa

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GEORGE M. SANGER, M. D.  
OBSTETRICS AND GYNECOLOGY  
1337 ORANGE AVENUE  
CORONADO, CALIFORNIA 92118

March 30, 1977

Fair Political Practices Committee  
1100 "K" Street  
Sacramento, CA 95814

Dear Sirs:

As a duly elected member of the School Board of the Coronado Unified School District I will soon be called upon to vote on an appeal action which is contemplated in the matter of one of our Elementary School Teachers, Dr. Marvin Bensley, who was recently reinstated to his job by a Hearing Board on Professional Competence which he requested.

Since his wife was a surgical patient of mine from 04-16-71 to 06-03-71, and I received \$600.00 for services rendered to her, my last professional contact being 06-03-71, and last payment received on 06-03-71, I am inquiring to see whether my professional contact with the Bensley Family in anyway could be construed as a conflict of interest with regard to my vote in matters pertaining to Mr. Bensley's employment.

An early reply would be greatly appreciated. If any further information is required please call me at 435-3144, Collect.

Thank you,



GEORGE M. SANGER, M.D.

GMS/ctv