

State of California



Fair Political Practices Commission

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

Technical Assistance • • • Administration • • • Executive/Legal • • • Enforcement • • • Conflict of Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

January 24, 1979

Betty H. Harris
504 North Alta Drive
Beverly Hills, CA 90210

Re: Opinion Request
No. 78-016

Dear Ms. Harris:

This letter is in response to your letter of January 12, 1979, in which you ask the Fair Political Practices Commission to reconsider your opinion request of December 14, 1978. Specifically, you ask the Commission to rule on whether your actions with respect to the lawsuit filed by the League of Women Voters against the City of Beverly Hills constituted a conflict of interest under the provisions of the Political Reform Act.

The Commission, at its meeting of January 17, 1979, declined to answer this question in a formal published opinion, but we hope that the following advice will be helpful.

The facts as I understand them are as follows. Recently, the Beverly Hills City Council removed you from the Traffic and Parks Commission for the City of Beverly Hills. You stated that your removal resulted from your signing of a declaration as a witness to a conversation related to a lawsuit brought by the Beverly Hills League of Women Voters against the City.

Based on these facts, you did not have a conflict of interest within the meaning of the Political Reform Act. For a conflict of interest to exist under the Act, a public official must have a financial interest in a governmental decision. An official has a financial interest in a governmental decision if the decision foreseeably would have a material financial effect on her investments, interests in real property or sources of income. Based on your assertion that you do not have a financial interest in any of the

Betty H. Harris
January 24, 1979
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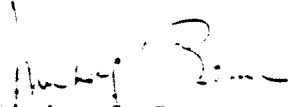
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entities or persons which are parties to the lawsuit in question, you do not have a conflict of interest within the meaning of the Political Reform Act.

The Commission's jurisdiction is limited to interpreting and enforcing the provisions of the Political Reform Act. Therefore, this advice does not rule on whether your removal from office was proper or whether you may have a conflict of interest under any other statute or the common law.

If you need further assistance, please contact Ted Prim, Chief of the Commission's Conflicts of Interest Division, or me.

Sincerely,


Michael Bennett
Executive Director

MB:TP:plh

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Betty H. Harris
504 North Alta Drive
Beverly Hills, California

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JANUARY 12, 1979

MR. TED PRIM
FAIR POLITICAL PRACTICES COMMISSION
P. O. Box 807,
SACRAMENTO, CALIFORNIA

DEAR MR. PRIM:

I HAVE APPARENTLY FAILED TO MAKE MY NEED CLEAR.

I WANT YOUR COMMISSION TO EXPRESS ITS OPINION AS TO WHETHER I
HAD A CONFLICT OF INTEREST.

MR. STERN'S LETTER OF JANUARY 10, 1979 DID NOT CONFIRM NOR DENY
THE QUERY RAISED IN MY LETTER OF DECEMBER 14, 1978.

THE FACTS ARE IN MY ORIGINAL LETTER.

IT IS IMPORTANT TO ME AND TO OTHERS WHO SEEK TO SERVE BEVERLY
HILLS THAT IT BE ESTABLISHED THAT A CONFLICT OF INTEREST IS ABSENT
WHEN A CITY OFFICIAL TESTIFIES TO UNDENIABLE FACTS IN A LAW SUIT
AGAINST THE CITY.

IF AN APPEAL IS NEEDED TO HAVE YOUR COMMISSION EXPRESS ITS VIEWS
PLEASE CONSIDER THIS AN APPEAL.

SINCERELY,

Betty H. Harris
BETTY H. HARRIS

Date Received 12-18-

Response Due 1-2-7

Betty H. Harris
504 North Alta Drive
Beverly Hills, California

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December 14, 1978

Daniel Lowenstein, Chairman
Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95814

Dear Mr. Chairman and Members of the Commission:

In accordance with Government Code §83114 I respectfully request an opinion as to whether there is a conflict of interest presented by the following.

A resolution (Item A) was passed on December 12, 1978, removing me as a Traffic & Parking Commissioner of the City of Beverly Hills.

This action was reported to have been prefaced by Mayor Joseph Tilem saying I was in an adversary position with the City. This, he said, had been brought to his attention by the Acting City Attorney, Jack Allen. This allegation resulted from my signing a declaration as a witness to a conversation (Item B) in a lawsuit by the Beverly Hills League of Women Voters against the City.

It was the opinion of the City Attorney and the City Council that this constituted a conflict of interest since the December 14, 1978 agenda of the Traffic & Parking Commission had an item about parking time-limits in the industrial area (Item C).

This, the Mayor said, might affect Mr. Fred Nason's property, a co-litigant with the League of Women Voters. The City Attorney asserted that a conflict existed because I was a litigant in the suit and an active witness against the City.

Enclosed is a copy of the complaint. I am not a litigant, although I am a member of the Board of Directors of the League.

My declaration is that of a witness to a conversation. The lawsuit questions whether the City has made a gift of a thing of value to a private developer. It seeks no monetary recovery.

Daniel Lowenstein, Chairman
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The T & P Commission is advisory only to the Council. The members receive no remuneration nor reimbursement for expenses. My Commission appointment states that I am appointed to serve for the prescribed term which, for me, ends December, 1981.

My second question is:

If there is a conflict of interest, is the appropriate response, abstaining, or my removal?

I do not believe I have a conflict of interest of any kind.

I would be happy to answer any questions you might have. I hope for an early opinion on this matter by your Commission.

Sincerely,

Betty H. Harris

Enclosures