

8/100/87102

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

May 5, 1980

Christopher A. Lee
14189 River Road
P.O. Box 673
Walnut Grove, CA 95804

A-80-05-082

Dear Mr. Lee:

Ted Prim, who is now the Executive Director of this agency, asked me to respond to your letter of April 1, 1980.

As the Fair Political Practices Commission is not the code reviewing body for any city officials other than the city council (see Government Code Section 82011(a)), we do not as a rule maintain copies of Conflict of Interest Codes which cover other city employees, such as planning directors. The obligation for a public official to disqualify himself or herself arises not only from the Conflict of Interest Code, but also directly from the provisions of the Political Reform Act itself. See Government Code Sections 87100 and 87102. I have enclosed for your convenience a copy of the Political Reform Act, as amended to January 1, 1980, copies of two FPPC regulations, 2 Cal. Adm. Code Sections 18700 and 18702, and a copy of the formal opinion request by Tom Thorner, 1 FPPC Opinions 198 (No. 75-089, 1975). This should provide some guidance to you in interpreting Sections 87100 and 87103 of the Act.

Note, however, that in general the conflict of interest provisions of the Political Reform Act regulate what a person can do in his or her public capacity depending on the effects on his or her private financial interests. These provisions do not restrict what a person can do after leaving government service.

If you have any further questions regarding this matter or would like additional materials, please do not hesitate to contact us again.

Sincerely,

Sarah T. Cameron
Deputy Chief for
Conflicts of Interest
Legal Division

STC:nrw
Enclosures

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APR 3 10 17 AM '80

CHRISTOPHER LEE
ATTORNEY AT LAW

April 1, 1980

WALNUT GROVE --
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PLEASE REPLY TO: Walnut Grove

California Fair Political
Practices Commission
1100 K Street
Post Office Box 806
Sacramento, California 95804

Attention: Division Chief Ted Prim

Re: Conflict of Interest Code
City of Martinez

Dear Mr. Prim:

On behalf of the Fountainhead Garden Homeowners Association, a planned unit development located in the City of Martinez and incorporated under the laws of the State of California, I have been directed by said Board of Directors to communicate with the Commission regarding a possible conflict of interest and violations thereof by the former planning director of the City of Martinez, Mr. Barry Whittaker.

Would you please forward to my office at your earliest convenience a copy of said conflict of interest criteria.

It has come to our attention that Mr. Whittaker, shortly after resigning as planning director, went to work for a prominent developer in the City of Martinez, to wit, Security Owners, Inc. Thereafter, it is our information and our firsthand observation that Mr. Whittaker commenced

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representing said developer before meetings of the Martinez
Planning Commission and the Martinez City Council regarding
planned specifications for housing developments in the
City of Martinez.

I would be most appreciative on behalf of the Board of
Directors if this information could be conveyed to us so
we may make a determination of whether or not to proceed
in this matter further.

Thank you for your courtesy and consideration in this
regard.

Very truly yours,



CHRISTOPHER A. LEE

CAL:mgh

cc: Jim Carroll -