

83114

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	••	Statements of Economic Interest
(916) 322-5662		322-5660		322-5901		322-6441		322-6444

August 19, 1980

Shannon L. Davis
2617 "G" Street, #15
Sacramento, CA 95816

A-80-148

Re: Opinion Request
No. 80-006

Dear Mr. Davis:

I am in receipt of your request for an opinion pursuant to Government Code Section 83114^{1/2} regarding the propriety of a letter from City Councilman John Roberts to the Department of Alcoholic Beverage Control (ABCD) in opposition to the grant of a liquor license at 1401 "G" Street. Because, according to your letter, Councilman Roberts owns a bar at 2712 "J" Street, you are seeking an opinion on the question whether the letter to the ABCD ostensibly written in Mr. Robert's capacity as a councilman represents the use of official position to influence a governmental decision in which he is financially interested.

Section 83114 provides that "any person may request the Commission to issue an opinion with respect to his duties under" the Political Reform Act. Under the Act, opinions pursuant to Section 83114 are issued for the guidance of the official whose duties are in question; they are not issued in response to complaints about official action. Complaints about the propriety of specific actions are properly raised either pursuant to Section 83115 or by the initiation of legal action pursuant to Sections 91001 and 91003.

If you wish to appeal the denial of your opinion request, you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any questions, please contact Thomas M. Sobel, Chief of the Commission's Legal Division.

Sincerely,

Ted Prim
Executive Director

TP:TMS:plh

^{1/} All statutory references are to the Government Code unless otherwise noted.