

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

87100/87103

February 5, 1981

Jim Alford  
1905 Elm  
McKinleyville, CA 95521

A-81-02-085

Dear Mr. Alford:

In your letter of January 21, 1981, you requested advice concerning a potential conflict of interest. The facts, as I understand them, are as follows.

You have been a Humboldt County planning commissioner since July 1979. From May through August 1979 you were employed as a fish buyer at an hourly wage by Eureka Fisheries. As a planning commissioner you are called upon to make decisions on local coastal planning matters. You have asked us to advise you as to

1. Whether you should have disqualified yourself from decisions on coastal matters in August 1979.
2. Whether you should disqualify yourself at this time on coastal matters.

As to question one, you have not provided enough information for me to advise you on the propriety of your past actions. Generally, this Commission does not give advice as to past actions. Rather, we prefer to render advice which can guide future actions.

The answer to the second question always depends upon the particular facts of a particular case. However, from the facts you have given there appears to be no grounds at all for your disqualification from the decision making process because of your past employment as a fish buyer.

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Jim Alford  
February 5, 1981  
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Government Code Sections 87100-87103\* forbid a public official from making or influencing a governmental decision in which he has a financial interest. Section 87103 defines "financial interest" in part as

(c) Any source of income ... aggregating ... (\$250) or more in value provided to, received by or promised to the public official within twelve months prior to the time when the decision is made....

Thus, assuming that your income from Eureka Fisheries totaled \$250 or more, you would have to disqualify yourself from making decisions which could have a material financial effect, on Eureka Fisheries only, within 12 months of working there. Since you have not been employed by Eureka Fisheries for over a year, there appears to be no reason that you cannot vote on any matter concerning Eureka Fisheries.

I hope this has been helpful to you. Please contact me if you have further questions.

Very truly yours,



Stella Connell Levy  
Counsel  
Legal Division

SCL:kp

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\*All statutory references are to the Government Code.

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January 1981  
1905 Elm  
McKinleyville CA 95521

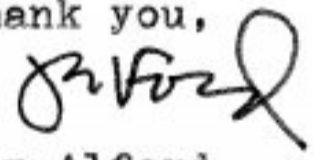
Sandra Cameron  
Fair Political Practices Commission  
1600 K. St. Mall  
Sacramento CA 95814

Dear Ms. Cameron,

I understand your office can determine if a conflict of interest does indeed exist for an office holder. I am a Humboldt County Planning Commissioner. I was appointed in July 1979. From May to late August 1979 I was employed by Eureka Fisheries as a fish buyer at an hourly wage. I have held no management or ownership positions in the fishing industry during my term.

Our county counsel has indicated I may have a conflict of interest on local coastal planning matters since I was for nearly two months an employee in the fishing industry. According to my agency's code (adopted by the Board of Supervisors June 1980) there are four reasons listed in Section 8a-d for disqualification.

Please tell me if there were grounds for my disqualification in August 1979. Please tell me if I was liable under the Code adopted ten months later.

Thank you,  
  
Jim Alford

JTA/bjm