

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
(916) 322-5662 322-5660 322-5901 322-6441

July 19, 1984

Ms. Lynne C. Bartlett
344 - 62nd Street
Oakland, CA 94618

Re: Your Request for Advice;
Our Advice No. A-84-178

Dear Ms. Bartlett:

You have written requesting our review of your proposed course of action. In your capacity as Training Specialist for the Contra Costa County Social Service Department, you wrote a guide to teach Eligibility Workers the basic regulations and procedures of the AFDC program. The guide is tailored to the specific operations of the Contra Costa County department. As a public document, the guide is available to anyone who requests it and other counties have looked at it and liked it.

You are considering re-writing the guide on your own time to make it more useful for other counties and, ultimately making it available to them. You desire to receive additional compensation for your efforts on your own time. You also plan to develop a curriculum package for follow-up classroom training, on your own time.

You have informally consulted with your supervisors and with the County Counsel's Office and have been advised that they see no problems with your "plan so long as it does not infringe on [your] employment with them."

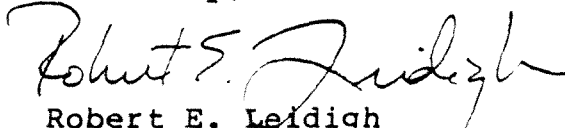
So long as you do not use your agency's time, facilities or equipment for your private endeavors there would be no conflict of interest under the Political Reform Act (Government Code Sections 81000-91014). However, the prohibition contained in Government Code Section 87100 that you may not make, participate in making, or use your official position to influence the making of an agency decision in which you have a financial interest means that you cannot influence others to assign you to revise or update the guide on-the-job when that will save you substantial hours off-the-job in revising the guides which you sell to other counties. Any such decisions on revisions would have to be made independent of yourself.

Ms. Lynn C. Bartlett
July 19, 1984
Page 2

We would also advise that you read the enclosed Appellate Court decision (People v. Vallergera (1977) 67 Cal. App. 3d 847) and discuss it with your County Counsel along with Government Code Sections 1126-1128. Your County Counsel may wish to consult with the Attorney General as well, just to be sure that all bases have been covered before you embark upon this endeavor.

Should you have any questions regarding this letter, I may be reached at 916/322-5901.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

REL:km
Enclosure

344 62nd Street
Oakland, CA 94618

July 2, 1984

Ms. Barbara Milman
General Counsel
Fair Political Practices Commission
11100 K Street
Sacramento, CA 95814

Dear Ms. Milman:

I am writing to you for your advice or opinion regarding a business venture I am planning to enter.

I am presently employed by the Contra Costa County Social Service Department as a Training Specialist. In that capacity I wrote a self-learning guide or manual designed to teach Eligibility Workers the basic regulations and procedures for the Aid to Families With Dependent Children program. It is my understanding that the guide, as I wrote it for Contra Costa, is in the "public domain" and available to anyone who requests it. In fact, we have shared copies with several surrounding counties. In its present form, it contains instructions for a number of procedures specific to Contra Costa and needs fairly extensive re-writing to make it applicable to another county.

Because I have received very positive feedback about the concept, I am seriously exploring the possibility of re-writing it on my own time and finding a means for making it available to other California counties. I intend to continue as an employee of Contra Costa County as I do this and in my role as a Training Specialist I will continue revising and updating Contra Costa's version. As an independent consultant and on my own time I will be writing and updating another version for use in other counties.

I expect to be reimbursed for my time and expense in conjunction with the re-write for other counties and am considering approaching the State Dept. of Social Services regarding a contract to cover my services. They would then distribute the guide to all interested counties. Another possibility for distribution is through the Human Services Training Program at U.C. Davis Extension. My thought is that they could serve as the marketing agents and we would charge each county a pro-rated share of the cost of developing and printing the re-written version.

Ms. Barbara Milman

Page 2

July 2, 1984

I have received informal information from Contra Costa County's Social Service Administration that there is no objection to my plan so long as it does not infringe on my employment with them. I spoke with an attorney from our County Counsel's office and while he knew of nothing that would inhibit the process I have described, he suggested I write to you.


In addition to the guide, my plan is to develop a curriculum package for follow-up classroom training. This package does not exist in a formal way at this time. My plan is to sub-contract with a couple of my peers to help me assemble content outlines, exercises, hand outs, and tests. The components which we would modify and consolidate were originally developed in our roles as employees of county Social Service Departments and would be re-written on our own time to be generic to all counties.

All of this is very much a learning process for me. I think my questions of you concern conflict of interest issues; do you see any barriers? Do I, or my peers with whom I will subcontract for their services, need formal approval from our respective departments? Do the means through which I am reimbursed for my costs, as a contractor with the State or as an independent consultant, make a difference? Is there anything else I should be asking of you?

I believe I have made a full and accurate disclosure of the situation. Should you need additional information, my daytime phone number is 415-372-2861.

Thank you for your consideration in this matter.

Sincerely,


Lynne C. Bartlett