



California Fair Political Practices Commission

January 27, 1988

Lorin Lovejoy
12749 Torch Street
Baldwin Park, CA 91706

Re: Your Request for Advice
Our File No. I-88-046

Dear Mr. Lovejoy:

You have asked for advice concerning the Baldwin Park project area committee.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act (the "Act").^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised. However, if you believe that the Act has been violated, you may contact our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

F P P C

21 Jan 88

California Fair Political Practices Commission
128 J Street
Suite 800
Sacramento
CA 95814

Re: Project Area Committees and Conflict of interest statements

Dear Sir:

This is to bring to your attention that since the designation of Project Area Committee members as being 'public officials' and required to adopt and file a conflict of interest statement, the PAC of Baldwin Park, CA, has failed to do so.

Mr. Flandrick, the City Attorney, said he is working on it. The City Clerk said that it may be 'about' July before they can get the proper paper work ready.

Since this clarification was done before August of 1987, at least, of the Government Code 82048, this has given them some six months in which to comply. If they can stall it until their vague date of July, this gives them another additional six months -- practically a year in which their PAC can render decisions and act illegally, but with a certain impunity if they can say they are 'working on it'.

I suggested to the City Council last night (20Jan88) that their PAC could use the same form as the City Council used, but the city attorney made some vague response, the City Council/CRAgents said nothing, and so I let the matter drop at that time, knowing there was nothing more I could do in the face of such deliberate pusillanimity.

The PAC was appointed by the City Council/CRAgents unbeknownst by the people that were to be in the project area. And the courts upheld them in their claim that the paragraph 33385 in the Health & Safety Code gave them that right.

This is in contradiction of the ruling in the case of Downey, in which the court ruled the opposite on the very same issue and against the city of Downey. Oddly enough the Downey Attorney is from the same firm, I understand, that the Baldwin Park attorney is.

Note: the City of Los Angeles also reads that 33385 as we feel it should be read and 'gave' the people in the LA Project the right to choose their own PAC, much as the City doesn't like the idea and is trying to circumvent it in other ways.

The City of Baldwin Park didn't even give its own citizens an inkling of their rights. They chose their rubber-stamp PAC in the year before they had even notified any of the people that they were even in a project area.

There may have been certain matters taken up in city council/CRA meetings, but not so that the people were alerted that those proceedings were going to result in the dispossession of their homes and businesses. When we found out it was too late. And yet even at that time there was no indication that we had any rights. It wasn't until some of us got a lawyer to let us know where we stood, that we found out how we were disenfranchised.

Now that the City has their 'friends' in their own city-chosen PAC, it seems very clear to me that they are stalling on this conflict of interest statements that

are long overdue.

Because of certain facts that seem to be questionable, I suspect that the City Council/CRAgents want to stall as long as they can so that the members can validate certain aspects of the CRA to their advantage, even though some of them are actually violating the conflict of interest safeguard, by saying that since the forms are not ready, they are not guilty.

Do you have any procedures that could require their immediate compliance?

Yours very truly,

Lorin Lovejoy
Lorin Lovejoy

12749 Torch Street
Baldwin Park
CA 91706

818-337-4924

Note

Could you please send a subscription to the FPPC Bulletin to:

Mr. & Mrs. Lorin Lovejoy
12749 Torch
Baldwin Park
CA 91706



California Fair Political Practices Commission

January 27, 1988

Lorin Lovejoy
12749 Torch
Baldwin Park, CA 91706

Re: 88-046

Dear Mr. Lovejoy:

Your letter requesting advice under the Political Reform Act was received on January 25, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, we will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh