



California Fair Political Practices Commission

April 16, 1990

Robert Novoa
Planning Commissioner, City of Newman
940 Fresno Street
Newman, CA 95360

Re: Your Request for Advice
Our File No. I-90-264

Dear Mr. Novoa:

You are seeking advice regarding your duties and responsibilities as a member of the Newman Planning Commission under the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

In telephone conversations on March 27 and March 29, 1990, you were advised that, on the basis of the facts presented, there appeared to be a possible conflict of interest with respect to your participation in a forthcoming decision involving a customer of your retail business. This advice was based on application of Section 87103.5 and Regulation 18703.5, copies of which were sent to you. You were informed that formal written advice, or confirmation of the telephone advice provided, or formal written advice, could be requested.

We received your letter April 4, 1990. It seeks neither such confirmation or formal written advice, and instead provides only a reiteration of the factual information pertaining to your retail business and the customer in question. Without anything further in writing from you we are unable to respond to your letter.

The manner in which advice is provided by this agency is governed by the provisions of Regulation 18329 (copy enclosed). We do not provide advice when the request is incomplete, and instead require that advice requests contain all pertinent material

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.

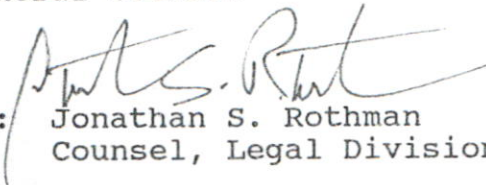
facts to the consideration of the question presented. (Regulation 18329(b)(2)(B), 18329(c)(4)(F).)

Therefore, if you wish a written response I suggest that you submit a request for either confirmation of the telephone advice provided to you last month, or for written advice concerning application of the conflict of interest provisions of the Act to your specific situation. In addition to the information provided in your earlier letter, you should include in your request (1) a description of the pending decision before the planning commission, including when the matter will be heard, (2) the interested party or parties to the decision and a description of the interest each holds, and (3) a general description of the relationship between the customer and your retail business, with respect to Section 87103.5 and Regulation 18703.5.

Upon receipt of your letter containing the above information, we will provide you with the necessary guidance that you request. If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel

By: 
Jonathan S. Rothman
Counsel, Legal Division

KED:JSR:plh

Enclosure