



California Fair Political Practices Commission

December 11, 1990

David J. Aleshire
Rutan and Tucker
611 Anton Boulevard
Costa Mesa, CA 92628-9990

Re: Your Request for Confirmation of
Telephone Advice
Our File No. I-90-641

Dear Mr. Aleshire:

By letter dated October 3, 1990, you have sought written confirmation of telephone advice previously provided to you by this agency. That advice related to your responsibilities as general counsel to a redevelopment agency and city attorney of the same city under the conflict-of-interest provisions of the Political Reform Act ("the Act").¹ At the time of your request for advice there was no pending governmental decision. You were seeking general guidance about handling a transaction in such a manner that you will not be barred in the future from negotiating on behalf of the redevelopment agency. Therefore, we are treating your request as one for informal assistance only.²

On the basis of the facts provided, you were advised that a discount on the purchase of an automobile based on your official status as a public official would be a gift pursuant to Government Code Section 82028 and could result in your disqualification from decisions which materially affect the automobile dealer for twelve months following receipt of the gift. However, there is no gift

¹ Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18239(c).)

to you if a discount on the purchase price is negotiated by you as a member of the public and is merely the result of your skill as a negotiator.

I hope this letter has provided you with the guidance you requested. Please contact me if you have any further questions regarding this matter at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel

A handwritten signature in cursive script that reads "Luisa Menchaca".

By: Luisa Menchaca
Counsel, Legal Division

SH:LM:aa