



California Fair Political Practices Commission

July 23, 1992

Edward Duddy
City Attorney
City of Moreno Valley
3750 University Avenue, Suite 550
Riverside, CA 92501

Re: Your Request for Advice
Our File No. I-92-409

Dear Mr. Duddy:

You have requested advice on behalf of Moreno Valley City Councilmember Bonnie Flickinger regarding the conflict-of-interest provisions of the Political Reform Act (the "Act").¹ Your letter does not seek advice regarding a specific pending governmental decision and your question is general in nature. Accordingly, we treat your letter as a request for informal assistance pursuant to the provisions of Regulation 18239.² Additionally, our advice is prospective in nature and we do not comment on any past conduct.

Ms. Flickinger is employed by a law firm which often provides representation to persons coming before the city council. You would like to know if this presents a conflict of interest for Ms. Flickinger. We concur with the analysis in your June 29, 1992, memorandum to Councilmember Flickinger, which you also provided to us. If the law firm has an indirect interest in a decision, materiality must be assessed under Regulation 18702.2. If the law firm has a direct interest in a decision, Regulation 18702.1 requires that Ms. Flickinger disqualify herself from participating in the decision.


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.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

As you stated in your memorandum, materiality must be determined on a case-by-case basis each time it is reasonably foreseeable that a decision before the city council will have an indirect effect on the law firm.

I trust this answers your question.³

Sincerely,


Jill Stecher
Counsel, Legal Division

JS:aa

³ Copies of Commission regulations and Opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.