



# California Fair Political Practices Commission

March 12, 1993

Kenneth N. DeVoe  
P.O. Box 133  
Atwater, California 95301

Re: Your Request for Advice  
Our File No. I-93-094

Dear Mr. DeVoe:

I am writing to confirm our telephone conversation on March 8, 1993, wherein we discussed your request for advice, Letter No. I-93-094 and your duties regarding the conflict-of-interest provisions of the Political Reform Act (the "Act")<sup>1</sup>. Since your letter does not seek advice regarding a specific pending governmental decision and your question is general in nature, we treat your letter as a request for informal assistance pursuant to the provisions of Regulation 18329<sup>2</sup>. I also informed you that we cannot provide advice on past conduct.

You are a councilmember in the City of Atwater and also sit on the city's redevelopment agency. You are a property owner and developer. You stated that you have disqualified yourself from participating in many governmental decisions, but would like to represent your personal interests, if possible. We specifically discussed Regulation 18700.1(b), (copy enclosed) which allows a public official to appear in the same manner as any other member of the general public before an agency to represent the official in matters related solely to the official's personal interests. Since you and your wife wholly own the property and the business that is developing the property, this regulation appears to be applicable to your situation.

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<sup>1</sup> 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.

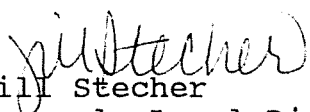
<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

I informed you that pursuant to Regulation 18700.1, which must be construed narrowly, as the owner/developer of the property, you may appear as a member of the general public to solely represent your own interests in a decision where you are disqualified from participating in your official capacity.

I trust this answers your question. If you have any further questions regarding this matter, you may contact me at (916) 322-5901.

Sincerely,

Jeff Marschner  
General Counsel

By:  Jill Stecher  
Counsel, Legal Division

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