



California Fair Political Practices Commission

April 7, 1993

Deborah Dudley
2515 Exeter Square Lane
Sacramento, CA 95825

Re: Your Request for Advice
Our File No. A-93-123

Dear Ms. Dudley:

You have requested confirmation of telephone advice provided to you concerning potential restrictions on your postgovernmental employment under the provisions of the Political Reform Act (the "Act").¹

This letter confirms that your letter dated March 30, 1993, accurately summarizes the telephone advice I provided to you on that date. You stated that you were a legislative employee who would be leaving your position.

As I stated in our telephone conversation, Section 87406 now provides that:

(d)(1) No designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position which entails the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and no member of a state administrative agency, for a period of one year after leaving office or employment, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which he or she worked or represented during the 12

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.

months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

Emphasis added.

Section 87400 defines a "state administrative agency" as every state office, department, division, bureau, board and commission, but excluding the California Legislature. Thus, as a designated employee of the legislature you would not be subject to the restrictions of Section 87406.

Please note, however, that Section 87407 provides:

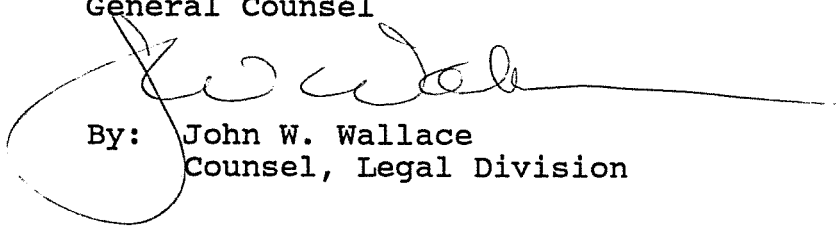
No state administrative official, elected state officer, or designated employee of the Legislature shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment.

Thus, up until the time you leave office you would be subject to Section 87407.

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.²

Sincerely,

Jeff Marschner
General Counsel


By: John W. Wallace
Counsel, Legal Division

² 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.