



# California Fair Political Practices Commission

June 23, 1994

Nellie R. Ancel  
Ross & Scott  
520 South Grand Avenue  
Suite 300  
Los Angeles, CA 90071-2610

Re: Your Request for Advice  
Our File No. A-94-196

Dear Ms. Ancel:

As counsel to the Humboldt No. 1 Fire Protection District ("district"), you have requested advice under the conflict-of-interest provisions of the Political Reform Act (the "Act").<sup>1</sup>

Specifically, you have asked whether a board member of the district may participate in a decision which may affect the income of his 21 year old son. Section 87103 prohibits a public official from participating in a decision which will have a material financial effect on "a member of his or her immediate family." Section 82029 defines immediate family as the spouse and dependent children.

Since the term "dependent child" is not defined by the statute, we have previously advised that a dependent child of a public official is a child who is under 18 years of age and who the official is eligible to claim as a dependent for federal income tax purposes. (Tremlett Advice Letter, No. I-89-386, copy enclosed.) We are currently in the process of codifying this definition by regulation.

Therefore, the official's son who is over 21 years of age is not considered a dependent child for purposes of the Act. However, you must ascertain if there are any other economic interests under Section 87103 (ie. the son is a source of income, loan or gift to the father, any joint investments, property interests, etc.) that may give rise to a conflict of interest.

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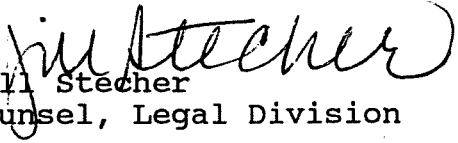
<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations, Sections 18000-18954. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Please be advised for future requests that in order for the advice to render immunity, we need the name of the public official.

I trust this answers your question.

Sincerely,

Steven G. Churchwell  
General Counsel

By:   
Jill Stecher  
Counsel, Legal Division

SGC:JS:ak

Enclosure