



# California Fair Political Practices Commission

March 8, 1995

Michael P. Kenny  
General Counsel  
Air Resources Board  
2020 L Street  
Post Office Box 2815  
Sacramento, California 95812

Re: Your Request for Advice  
Our File No. A-95-051

Dear Mr. Kenny:

We write in response to your request for advice regarding application of the "revolving door" provisions of the Political Reform Act (the "Act")<sup>1</sup> to the Honorable Brian Bilbray.

#### QUESTION

May Congressman Bilbray appear before the Air Resources Board (the "ARB") in his capacity as a United States Congressman to represent his congressional district concerning either legislative or administrative actions the Board considers?

#### CONCLUSION

Yes. Congressman Bilbray is not paid to represent any person before the ARB. Therefore, appearances before the ARB on behalf of his constituents would not violate the provisions of Government Code Section 87406.

#### FACTS

Mr. Bilbray was elected to the United States House of Representatives in November 1994, but continued to serve as a member of the ARB until January 1995 when he took office in Congress.

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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.

ANALYSIS

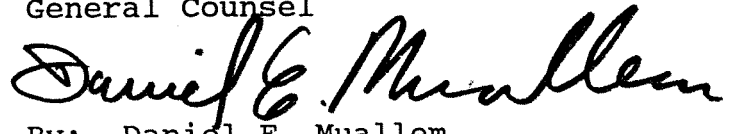
Section 87406(d) prohibits a former government official, who held a position which entails the making or participation in the making of decisions which may have a foreseeable and material financial effect on any financial interest, from representing any third party for compensation before any agency for which that official worked or represented in the twelve months preceding his or her separation from state service.

Congressman Bilbray is not compensated to represent third parties before the ARB. His compensation is for representing his constituents before the United States Congress. Accordingly, Congressman Bilbray's appearances before the ARB on behalf of constituents would not be prohibited under Section 87406 unless Congressman Bilbray was specifically compensated for this purpose.

Should you have any further questions please contact the undersigned at (916) 322-5901

Sincerely,

Steven G. Churchwell  
General Counsel



By: Daniel E. Muallem  
Counsel, Legal Division