

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

September 6, 1995

Jimmy L. Gutierrez  
City Attorney  
City of Chino  
13220 Central Avenue  
Chino, CA 91710

Re: Your Request for Advice  
Our File No. A-95-276

Dear Mr. Gutierrez:

You have requested advice regarding the conflict-of-interest provisions of the Political Reform Act (the "Act") on behalf of Richard Rowe, the City of Chino's City Manager.<sup>1</sup>

QUESTION

May Mr. Rowe participate in decisions concerning matters relating to Majestic Realty, Inc., since his daughter is employed by that corporation?

CONCLUSION

Since Mr. Rowe's daughter is over 18 years of age, she is not considered a dependent child for purposes of the Act. Therefore, her employment with Majestic Realty, Inc., does not prohibit Mr. Rowe from participating in matters relating to Majestic Realty, Inc.

FACTS

Mr. Rowe is the City Manager for the City of Chino. Mr. Rowe's daughter, Jennifer Marie Rowe, is 24 years old and resides in Mr. Rowe's home but does not make a financial contribution to the household. She is employed by Majestic Realty, Inc. Majestic Realty owns and develops land within the City of Chino.

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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.

**ANALYSIS**

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.

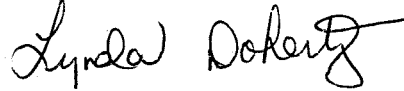
Since the term "dependent child" is not defined by the statute, we have previously advised that a dependent child of a public official is a child who is under 18 years of age and who the official is eligible to claim as a dependent for federal income tax purposes. (Tremlett Advice Letter, No. I-89-386.) Therefore, an official's child who is over 18 years of age is not considered a dependent child for purposes of the Act.

Based on the above analysis, you may participate in decisions regarding Majestic Realty, Inc., if you have no other economic interests which will be materially affected.

I trust this answers your question.

Sincerely,

Steven G. Churchwell  
General Counsel



By: Lynda Doherty  
Counsel, Legal Division

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