

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

January 8, 1997

Derek W. Gammon, Ph.D.
Department of Pesticide Regulation
California Environmental Protection Agency
1020 N Street
Sacramento, California 95814

**Re: Your Request for Advice
Our File No. A-96-340**

Dear Dr. Gammon:

This letter is a response to your request for advice regarding the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

QUESTION

Would the ban on receiving honoraria prohibit you from accepting royalties for editing an Encyclopedia of Pesticides?

CONCLUSION

No. You may accept the payments because the source of the royalties is not reportable on your statement of economic interests. The Act only prohibits you from receiving honoraria from a source that is required to be reported on your statement of economic interests.

FACTS

You have recently been contacted by Dr. J.R. Plimmer concerning a project with the publishers John Wiley & Sons ("Wiley"). Dr. Plimmer is to be the editor of an "Encyclopedia of Pesticides" which he proposes to complete over the next three years. He has asked you to be one of three associate editors. Your role would be to help to choose an editorial board, plan suitable entries, commission authors and edit the output. You anticipate that the work will be done on your own time. Because of the amount of work involved, Wiley has proposed to

¹ Government Code sections 81000 - 91015. Commission regulations appear at title 2, sections 18000 - 18995, of the California Code of Regulations.

recompense the editors a certain percentage of revenue. To your knowledge, Wiley does not have any licenses, permits, certificates, or registrations issued by the Department.

ANALYSIS

Section 89502(c) provides that no designated employee of a state agency shall accept an honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

You are a designated employee of the Department of Pesticide Regulation. Your disclosure category in the Department's conflict of interest code requires you to report "all business positions in business entities, investments, and sources of income from businesses which hold, or during the reporting period held, or was an applicant for, any license, permit, certificate, or registration issued by the Department."

To your knowledge, Wiley, the publishing company, does not hold and has not applied for any licenses, permits, certificates, or registrations issued by the Department. If that is the case, Wiley is not a source you would be required to report on your statement of economic interests. Therefore, you may accept the payments from Wiley without violating the honoraria ban in Section 89502(c).

Please keep in mind, however, that once you receive income from Wiley, the publishing company will be considered a source of income to you. Section 87100 of the Act prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. A financial interest includes a source of income of more than \$250 in the preceding twelve months. (Section 87103(c).) If you discover that one of your decisions at the Department will materially financially affect Wiley, you must disqualify yourself from that decision. If any agency decisions arise in the future that may potentially impact Wiley, please feel free to contact our office for further advice.

This advice is limited to the provisions of the Act. You should contact your agency for assistance on any possible incompatible activities issues, including the use of your employer's address. If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Liane Randolph
Staff Counsel, Legal Division