



FAIR POLITICAL PRACTICES COMMISSION

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May 30, 2002

Carl Washington, Assemblymember
California Legislature
State Capitol
Post Office Box 942849
Sacramento, CA 94249-0001

Re: Your Request for Advice
Our File No. A-02-140

Dear Assemblyman Washington:

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

QUESTION

Does the Act prohibit or limit you in any way from voting on or otherwise participating in legislation, which may have a financial impact on the Compton Unified School District, which has offered you employment after you vacate your office in December of this year?

CONCLUSION

No. Section 87407 of the Act prohibits a state officer or employee who has an arrangement concerning prospective employment with an entity, from making a governmental decision that will directly affect that entity. However, regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is a state, local, or federal government agency. Your prospective employer, the Compton Unified School District, is considered a local government agency under section 82041 of the Act and therefore, the prohibition of section 87407 does not apply. However, the one-year ban on lobbying the Legislature contained in section 87406 of the Act will apply to you when you leave the Legislature and start working for the Compton Unified School District.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

FACTS

You request written advice on your prospective employment with the Compton Unified School District. Specifically, you inquire whether the Act prohibits or limits you in any way from voting or otherwise participating in legislation, which may have a financial impact on a local school district that has offered you a position once you have termed out of office in December 2002.

ANALYSIS

The analysis of this question is identical to the analysis in the advice letter sent out to you on April 12, 2002, and labeled as A-02-034a (enclosed). This analysis included discussions on negotiating prospective employment (Section 87407), legislative conflicts of interest (Sections 87102.5 – 87102.6), as well as the one-year lobbying ban (Section 87406(b)). Since that analysis was based on facts regarding a local governmental agency (Compton Community College District) and this request for advice is also regarding a local governmental agency as defined in section 82041 of the Act (Compton Unified School District), the analysis and conclusions are exactly the same.

Both analyses come to these conclusions: (1) Your prospective employer, the Compton Unified School District, is considered a local government agency under section 82041 of the Act and therefore, the prohibition of section 87407 does not apply; (2) The one-year ban on lobbying the Legislature contained in section 87406 of the Act will apply to you when you leave the Legislature and start working for the Compton Unified School District.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel



By: Galena West
Staff Counsel, Legal Division

Enclosure

GW:jg

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