



FAIR POLITICAL PRACTICES COMMISSION

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August 29, 2002

Larry Broedow
Urban Advisors, Inc.
10681 Foothill Blvd., Suite 340
Rancho Cucamonga, CA 91730

**Re: Your Request for Informal Assistance
Our File No. I-02-206**

Dear Mr. Broedow:

This letter is in response to your request for assistance under the conflict-of-interest provisions of the Political Reform Act (the "Act").¹ Because your letter does not seek advice regarding a specific governmental decision, we are treating your request as one for informal assistance.²

QUESTION

If you accept a position with an Assembly member's field office, would that position conflict with your intent to stay employed with a private consulting firm?

CONCLUSION

If you accept this position, you could not make or participate in making decisions affecting your private sector employer. Additionally, you could not use your position with the Assembly member's office to influence any decision or matter before the State Allocation Board, or the Office of Public School Construction. See discussion below.

It is also suggested that you contact Assembly Ethics at (916) 319-3752 to see if there is an internal policy governing this conduct.

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

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice (Government Code § 83114; 2 Cal. Code of Regs. § 18329(c)(3), copy enclosed.)

FACTS

You request clarification regarding a part-time employment position as a field representative for a member of the Assembly. You are considering applying for this job and want to make sure it would not present a conflict of interest with your present employment.

You currently work for a consulting firm, which assists public school districts in obtaining funding through the State Allocation Board ("SAB") and Office of Public School Construction ("OPSC") processes. Your assistance generally involves clarifying regulations and policy, and assisting the district with filling out and submitting the necessary forms and applications.

You would like to maintain your position with the consulting firm and would also like to obtain the position with the Assembly district office.

ANALYSIS

Section 87100 of the Act provides that no public official³ at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Section 87103 provides that a public official has a "financial interest" in a governmental decision "if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family," or on any of the official's economic interests, including, among other things, any source of income, including promised income, which aggregates \$500 or more within 12 months prior to the decision. (§ 87103(c); regulation 18703.3.)

Accordingly, if you become employed at the Assembly member's field office, you would be precluded from making, or participate in making, decisions that could affect your private sector employer.

Additionally, as a public official, you are prohibited from using your official position to influence a governmental decision. This would include decisions that are being made by another governmental agency. (Regulation 18702.3(b).) This would prevent you from purporting to act as a representative of the Assembly member's staff to expedite the processing of a matter before the State Allocation Board, the Office of Public School Construction or any other governmental agency, on behalf of your private sector employer.

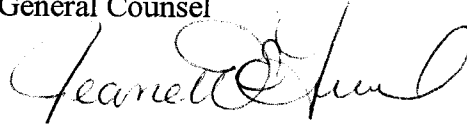
³ "Public official" is defined as "every member, officer, employee or consultant of a state or local government agency." (Section 82048.) You will become a public official when you begin employment with the Assembly member's field office.

This assistance is limited to the provisions of the Political Reform Act. The Assembly Ethics office may have an internal policy that governs your private sector employment as well. It is suggested you contact that office at the number provided above. I have also enclosed a pamphlet entitled, "Can I Vote? Conflict of Interest Overview," which provides a step-by-step conflict-of-interest analysis.

If you have any other questions regarding this matter, please contact me at (866) 275-3772.

Sincerely,

Luisa Menchaca
General Counsel

A handwritten signature in cursive script, appearing to read "Jeanette E. Turvill".

By: Jeanette E. Turvill
Political Reform Consultant
Technical Assistance Division

Enclosures
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