



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

May 15, 2003

Doreen Liberto-Blanck, AICP
370 Weymouth Street
Cambria, CA 93428

**Re: Your Request for Advice
Our File No. A-03-060**

Dear Ms. Liberto-Blanck:

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

QUESTION

May you write and publish a book regarding dispute resolution and land use process, and co-author a book with your husband regarding geologic impacts on land use without violating the honoraria provisions of the Act?

CONCLUSION

Yes, because books are expressly excluded from the definition of "articles," whose publication for remuneration is forbidden under the Act.

FACTS

As a planning commissioner for the County of San Luis Obispo, you are subject to the state's conflict-of-interest laws. You have been a practicing land use and environmental planner for more than twenty years and teach part-time in the Cal Poly University, San Luis Obispo City and Regional Planning Department. You are a recent graduate of Pepperdine School of Law with a master's degree in dispute resolution.

You want to write a book regarding dispute resolution and land use process, and a book with your husband regarding geologic impacts on land use. You were advised that

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

there may be an exemption from the honorarium provision of the conflict of interest law since you are writing about your profession, however, a written request should be made.

ANALYSIS

Government Code § 89502(a)² provides that no individual specified in section 87200, including planning commissioners, shall accept any honorarium. The term "honorarium" is defined as "any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering." (Section 89501(a).) Regulation 18931.2 states:

"(a) For purposes of Government Code Sections 89501 through 89506, an 'article published' means a nonfictional written work:

"(1) That is produced in connection with any activity other than the practice of a bona fide business, trade, or profession; and

"(2) That is published in a periodical, journal, newspaper, newsletter, magazine, pamphlet, or similar publication.

"(b) For purposes of this regulation, an individual receives payment for an article published if he or she receives a payment for:

"(1) Drafting any part of an article published, except activities solely involving secretarial assistance.

"(2) Being identified as an author of or contributor to the article.

"(c) 'Article' does not include books, plays, or screenplays."

Because you are planning to write books, and books are excluded from the definition of "article" under regulation 18931.2(c), you are not precluded from accepting compensation for any books that you may write, either with your husband or alone.³

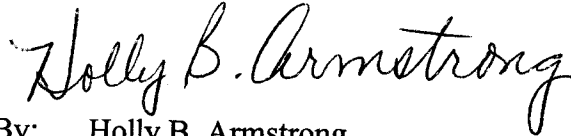
² All further statutory references are to the Government Code unless otherwise specified.

³ Of course, receipt of income may result in the need for disclosure of future conflicts of interest. We have enclosed our pamphlet, "Can I Vote," for your information on this subject.

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

Sincerely,

Luisa Menchaca
General Counsel

A handwritten signature in cursive script that reads "Holly B. Armstrong". The signature is written in black ink and is positioned above the typed name and title.

By: Holly B. Armstrong
Staff Counsel, Legal Division

Enclosure

HBA:jg

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