



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

April 1, 2026

Alejandro Contreras, MSW

Re: Your Request for Advice
Our File No. A-26-025

Dear Alejandro Contreras:

This letter responds to your request for advice regarding the conflict of interest provisions of the Political Reform Act (the “Act”) and Government Code Section 1090, *et seq.*¹

Please note that we are only providing advice under the conflict of interest provisions of the Act and Section 1090, not under other general conflict of interest prohibitions such as common law conflict of interest, including the Public Contract Code. We also offer no advice regarding any prohibitions on incompatible offices or incompatible activities, as the prohibitions fall outside of the Act.

Also, note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

We are required to forward your request regarding Section 1090 and all pertinent facts relating to the request to the Attorney General’s Office and the Sacramento County District Attorney’s Office, which we have done. (Section 1097.1(c)(3).) We did not receive a written response from either entity. (Section 1097.1(c)(4).) We are also required to advise you that, for purposes of Section 1090, the following advice “is not admissible in a criminal proceeding against any individual other than the requestor.” (See Section 1097.1(c)(5).)

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

QUESTION

Under the Act and Section 1090, may you, as a Staff Services Manager I (“SSM I”) for the California Department of Public Health (“CDPH”), take part in decisions related to funding for the Gender Health Center (“GHC”), given that you are an uncompensated volunteer of GHC, a nonprofit organization?

CONCLUSION

Yes. Under the Act, you may take part in decisions related to funding in which GHC is an applicant because you do not have a financial interest in GHC based on the facts provided. With respect to Section 1090, you have a noninterest in the contract with GHC under Section 1091.5(a)(7). As long as your interest in GHC is disclosed to the CDPH at the time of the first consideration of the contract, and your interest is noted in the CDPH’s official records, Section 1090 does not prohibit you from taking part in the contract with GHC.²

FACTS AS PRESENTED BY REQUESTER

You currently serve as an SSM I for the CDPH. Your duties generally involve official actions connected to state public health programs, including review, recommendations, approvals, contracting steps, and potentially scoring or evaluating activities for funding opportunities involving community-based organizations. Additionally, your duties may involve decisions that could affect organizations applying for or receiving funding or approvals.

In February 2026, you began volunteering with the GHC, a 501(c)(3) nonprofit organization. You receive no compensation, gifts, loans, or travel payments in connection with this volunteer work. Your work with GHC is limited to operations and workflow support for sexual health services, including policy and procedure support, workflow mapping, implementation guidance, a Question/Answer framework, and a foundational outreach plan. The geographic scope is Sacramento, California. You previously worked for GHC as Director of Healthcare Services from 2016 to 2020.

GHC operates a state-certified public health program and previously held a state agreement related to HIV prevention services with the CDPH. The agreement has lapsed and GHC plans to apply for the agreement with the CDPH again.

² We note that our conclusion is based on the facts provided, and you have provided no indication of the possibility of returning to your former position with GHC as the Director of Healthcare Services. To the extent there are any indications of a future paid position with GHC including, but not limited to, any discussions or negotiations of future employment, or other facts indicating that the agreement before GHC would establish a paid position for which you may wish to apply, you should seek additional advice providing the relevant facts.

ANALYSIS

The Act

Section 87100 prohibits a public official from making, participating in making, or in any way attempting to use the official's position to influence a government decision in which the official has a financial interest. A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on an interest specified in Section 87103, including:

- Any business entity³ in which the public official has a direct or indirect investment worth \$2,000 or more (Section 87103(a)) and any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management. (Section 87103(d).)
- Any real property in which the public official has a direct or indirect interest worth \$2,000 or more. (Section 87103(b).)
- Any source of income aggregating \$500 or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made. (Section 87103(c).)
- Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$630 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. (Section 87103(e) and Regulation 18940.2.)
- An interest in the official's personal finances and those of the official's immediate family. (Section 87103.)

You currently serve as a volunteer for GHC and do not receive any compensation for your services. As such, you do not have a source of income financial interest in GHC. Since GHC is not operated for profit, it is not considered a business entity under the Act. (See Section 82005.) Accordingly, to the extent that you have no other financial interests in the potential decisions, the Act's conflict of interest provisions would not prohibit you from taking part in decisions related to funding state public health programs where GHC is an applicant.

³ The Act defines "business entity" to mean any organization or enterprise operated for profit. (Section 82005.)

Section 1090

Under Section 1090, officials “shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are a member.” Section 1090 is “concerned with any financial interests, other than perhaps a remote or minimal interest, which would prevent the official involved from exercising absolute loyalty and undivided allegiance in furthering the best interests of” their respective agencies. (*Stigall v. Taft* (1962) 58 Cal.2d 565, 569.)

Section 1090 applies to grants a state agency wishes to make to a non-profit organization. (See *People v. Honig* (1996) 48 Cal.App.4th 289 [rejecting a claim that a grant was not a contract within the meaning of section 1090] and 85 Ops.Cal.Atty.Gen. 176 (2002).) However, the Legislature has created various statutory exceptions to the Section 1090 prohibition where the financial interest involved is deemed to be a “remote interest,” as defined in Section 1091, or a “noninterest,” as defined in Section 1091.5. Noninterests under Section 1091.5 are “interests that, while technically within the scope of the financial interests covered by section 1090, as a practical matter do not raise the sorts of conflict of interest problems with which section 1090 is concerned and thus are statutorily excluded from its purview.” (*Lexin v. Superior Ct.* (2010) 47 Cal. 4th 1050, 1073-74.)

One such noninterest is provided in Section 1091.5(a)(7). Under Section 1091.5(a)(7), an officer or employee is deemed not to be interested in a contract if their interest is that of a non-salaried member of a nonprofit organization, provided that the interest is disclosed to the body or board at the time of the first consideration of the contract and noted in its official records. The reference to “member” refers to persons who constitute the membership of an organization, rather than to those individuals that serve on its board of directors. (See 65 Ops.Cal.Atty.Gen. 41 (1982) [concluding that a member of a nonprofit was similar to a shareholder of a corporation, as opposed to a member of the board of directors or other corporate officer].)

The facts provided indicate that you are an uncompensated volunteer with GHC. Additionally, your volunteer services include operations and workflow support for sexual health services, including policy and procedure support, workflow mapping, implementation guidance, a Question/Answer framework, and a foundational outreach plan. Considering the ongoing and policy related services you are providing to GHC, we conclude that you are a member of the nonprofit for purposes of Section 1091.5(a)(7). Moreover, as you are neither a paid employee of the nonprofit nor a member of the board of directors, the noninterest exception applies and you are not prohibited under Section 1090 from taking part in the decisions regarding the agreement. Although, you must disclose your interest in the potential contract with GHC to CDPH at the time of the first consideration of such contract, and it must be noted in CDPH’s official records.

If you have other questions on this matter, please contact me at JRinehart@fpcc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

Jenna Rinehart

By: Jenna C. Rinehart
Senior Counsel, Legal Division

JR:aja