



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Chair Silver and Commissioners, Brandt, Ortiz, Wilson, and Zettel

**From:** Dave Bainbridge, General Counsel  
Brian Lau, Assistant General Counsel

**Subject:** Advice Letter Report

**Date:** August 29, 2025

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The following advice letters have been issued since the July 25, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the September 18, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### Conflict of Interest

**Steven L. Flower - [A-25-102](#)**

An official has a disqualifying interest and may not participate in litigation decisions where the settlement amounts would be used to complete a road realignment and improvements located within 313 feet of the official's property and no clear and convincing evidence is provided that the decisions would not have any impact on the official's property.

**Brittany Brace - [A-25-110](#)**

A planning commissioner does not have a conflict of interest prohibiting the commissioner from taking part in decisions concerning the planning commission's consideration of a proposed amendment to a specific plan authorizing tattoo parlors as an allowed use. Although the commissioner is an employee of the corporate offices of a bank, of which there is a local branch with a leased property within the planning area, it is not reasonably foreseeable that the decision to allow tattoo parlors would have a material financial effect on the commissioner's interests.

**Nicholas R. Ghirelli - [A-25-114](#)**

Under the Act, councilmembers are not disqualified from taking part in legislative land use decisions proposed by a nonprofit county club where the councilmembers hold "social" memberships. Based on the facts presented, the memberships are available to the public and the councilmembers paid fair market value for them. Additionally, the membership provides no equity in the country club's property and cannot be transferred or sold for a profit by the officials. Accordingly, the only interests potentially implicated are the councilmember's personal finances and it is not reasonably foreseeable that the proposed changes will have a material effect on the official's personal finances.

## Section 1090

### **Megan N. Crouch - [A-25-088](#)**

Where the city council is not required to review or approve the hiring decisions that are vested solely with the city manager, Section 1090 does not prohibit a city from entering into the employment agreement with the spouse of a councilmember, so long as the councilmember completely refrains from participating in making the agreement in an official capacity.

### **Aleks R. Giragosian - [A-25-097](#)**

As a general matter, board members for a sanitary district have a disqualifying interest in decisions relating to the modernization of a wastewater treatment facility where their respective residential parcels are located within 500 feet of the facility and will experience construction noise and traffic disruption for several years. However, under Section 1090, the district would not be prohibited from making the design-build contract for the project, as the proximity of a real property interest to the project alone does not establish that an official has a disqualifying financial interest in the contract for purposes of Section 1090. Thus, while the Act prohibits the official with residences within 500 feet from the facility from taking part in the decision, the district is not prohibited from making the contract under Section 1090.

### **Michael Scott - [A-25-105](#)**

Section 1090 does not prohibit the award of an art grant to three advisory board members of a business improvement district where the members did not participate in the request for proposal process or award of the grants and the advisory board had no role in approving or executing the contract.

### **Mark Paxson - [A-25-107](#)**

Under the Act, a board member does not have a financial interest in contemplated agreements with entities to provide funding grants to the official's agency, where the potential funding sources have also provided funds to the official's non-profit entity employer. Section 1090 is not generally applicable to the potential grants, as the official does not have a financial interest in the contemplated agreements solely due to his position and source of income with a non-profit that also received grant funds from the entities.