



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

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

**Subject:** Advice Letter Report

**Date:** July 25, 2025

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The following advice letters have been issued since the June 26, 2025, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the August 21, 2025, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### **Campaign**

**Margie L. Hieter**

[\*\*A-25-040\*\*](#)

In developing the Campaign and Lobbying Activity Search and Disclosure system (Cal-ACCESS Replacement System or "CARS"), the Secretary of State has requested advice on standardizing reporting methods for two campaign reporting issues. First, if a late contribution report is filed for a contribution and the check comes back as non-sufficient funds, the late contribution report should be amended, and an entry added, to show the check returned for NSF, such that the information regarding the contribution and its subsequent return will be available on a single filing. Second, for a contributor who has given multiple times during a reporting period, the cumulative amount of contributions disclosed for the contributor should include all of the contributions made during the calendar year. If the contributor has reached the itemization threshold of \$100, all of the contributions made by the contributor during the reporting period shall be itemized on the campaign statement.

### **Conflict of Interest**

**Christina M. Burrow**

[\*\*I-25-072\*\*](#)

Where city council decisions related to a specific plan will involve determining which parcels will be subject to zoning changes, city officials who own residential real property potentially subject to those zoning changes are generally prohibited from taking part in the decisions. Likewise, a city official who leases residential real property will generally be prohibited from taking part in the decisions, which also involve selection of potential roadway and amenity improvements, based on the potential financial effect those decisions will have on the rental value and the official's use and enjoyment of the property.

**Ingrid Anderson**

[\*\*I-25-082\*\*](#)

A city design review board member, who is also an architect, is not prohibited under the Act from appearing as a representative of her clients' projects before the planning commission or city council so long as she does not act or purport to act as a representative of, or on behalf of the

design review board because the planning commission and city council are not public bodies “appointed by or subject to the budgetary control of” the design review board. However, the design review board member is prohibited from making, participating in making, or influencing decisions relating to a client’s projects to the extent that this involves contacting staff of the design review board or, if the project may be brought before the design review board, any city staff shared with the design review board.

**Michael Sparks** [A-25-099](#)

Under the Act, a housing development on a vacant lot located approximately 800 feet from a Councilmember’s residence disqualifies the official from governmental decisions related to the development project because it is foreseeable that the development of a vacant lot with 88 new residential units will change the market value and character of the residence.

**Rebecca L. Moon** [A-25-101](#)

Under the Act, a city councilmember may take part in governmental decisions relating to vehicle lane closures and street improvements, including the creation of pedestrian and bike paths, located between 500 and 1,000 feet from the councilmember’s residence because the decisions would not change the residence’s development potential, highest and best use, income-producing potential, character, or market value.

**Rebecca L. Moon** [A-25-103](#)

A city councilmember, whose leased residence is located 915 feet from a well and water tank project by a private water utility servicing the official’s property, does not have a disqualifying interest in the project decisions because the official’s property interest is sufficiently separated from the project, such that the project will not have an impact on her use and enjoyment of her leasehold interest.

## Section 1090

**Rachel Van Mullem** [A-25-075](#)

An official with a residence located 900 feet from an underground oil pipeline does not have a disqualifying interest under the Act in the decisions to approve the transfer of permits to a new owner, operator, and guarantor (and litigation limited to the transfer) because the decisions would not change the official’s parcel’s development potential, income producing potential, highest and best use, character, or market value. Similarly, the official does not have a financial interest in the decisions solely due to the proximity of the official’s property to the pipeline and is not prohibited from taking part in these decisions or in any settlement agreement negotiations under Section 1090.

**Jeffrey A. Ballinger** [A-25-089](#)

Under Section 1090, a city may not enter a software contract with a software vendor that has an ongoing business relationship with an independent contractor that has a duty to assist the city in drafting a request for proposals and advise the city in evaluating software vendor bidders for the contract

**Jeffrey S. Ballinger**[A-25-096](#)

A mayor has a remote financial interest in a contract between the city and a nonprofit organization to install a flagpole on city property under Section 1091(b)(1) as both an officer and a compensated independent contractor for the organization. Accordingly, the mayor is prohibited from participating in decisions relating to the contract. However, the city council may still make decisions regarding the agreement so long as the mayor's interest is disclosed and noted in the city council's records, and the mayor properly recuses himself from the proceeding.

**Richard D. Pio Roda**[A-25-100](#)

A city councilmember who owns a residence that is part of a homeowners association and located over 1,000 feet from a bike lane improvement project on a traffic corridor street does not have a disqualifying financial interest in the decisions. Similarly, under Section 1090, the councilmember does not have a financial interest in the contract decisions where there is an insufficient connection between the contract decisions and the official's real property interest based on its location, nor any indication of a contract that may result in increased or decreased expenditures or services for the homeowners association and its members.

**Section 84308****Hans Buder**[A-25-104](#)

Under Section 84308, a public official who has received a contribution exceeding \$500 from a party in an entitlement for use proceeding may take part in the proceeding, as long as the official (1) returns the excess portion within 30 days of taking part in the proceeding and (2) discloses the return of the excess portion on the record pursuant to Regulation 18438.8(a)(2).