



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

October 28, 2009

Derek Cressman  
Common Cause  
1005 12<sup>th</sup> Street, Suite C  
Sacramento, CA 95814

Re: Sworn Complaint against Heidi DeJong Barsuglia and unknown lobbyist  
"Char"

Dear Mr. Cressman:

This letter is in response to the sworn complaint you submitted regarding the above-referenced individuals. The Fair Political Practices Commission (the "Commission") is returning your complaint.

As you are aware, the Commission enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000 and following. After review of your complaint, we determined that the information you submitted did not provide a factual basis for finding that a violation of the Act occurred. Your complaint focused on an alleged violation of Government Code Section 86205(a), which prohibits lobbyists from placing public officials under "personal obligation."

Regrettably, the only evidence you provided in support of your claim was the referencing of a number of media reports that detailed former Assembly Member Duvall's statements recorded during an Assembly committee hearing. The Commission takes very seriously its role in upholding the public's trust in government and its officials, whether elected or appointed. However, it does not have the statutory authority to investigate the personal relationships between lobbyists and public officials.

The provision you cite has been an integral part of the Act since the original Proposition 9 was approved by voters in 1974, and was later amended in 1989 to include "lobbying firms." Commission Regulation 18625 was adopted by

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<sup>1</sup> 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 18110 through 18997 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.

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the Commission in 1989 to further define the "personal obligation" provision of Section 86205(a), to include the arranging or making of a loan by a lobbyist or lobbying firm to a public official, thereby placing the public official under "personal obligation."

Beyond this regulation, the Commission has issued advisory letters to individuals seeking clarification on the statutory ban, focusing on issues such as an official renting a room from a lobbyist (*Conaty* Advice Letter, No. A-94-257), loans made from a lobbyist to a non-profit entity where the public official is a member of the Board of Directors (*Bagatelos* Advice Letter I-89-093), and a real estate transaction between a lobbyist and public official (Memorandum M-84-315, September 7, 1984). While the regulation and advisory letters are not all encompassing in detailing the prohibitions set forth in Section 86205(a), it is apparent that the intent of the People of California as carried out by the Commission is to inhibit *economic* influences of lobbyists and lobbyist employers on public officials.

Thank you for taking the time to bring this matter to our attention. If you have any questions regarding this decision, or come upon factual evidence to substantiate your claims, please contact us at (916) 322-5660.

Sincerely,



Roman G. Porter  
Executive Director

RGP:tr  
Enclosure(s)

cc: Heidi DeJong Barsuglia (w/o enclosure)