



Los Angeles City Ethics Commission

September 6, 2013

The Honorable City Council  
c/o Holly Wolcott, Interim City Clerk  
200 North Spring Street  
City Hall – 3rd Floor  
Los Angeles CA 90012

**Re: Council File Number 13-1072  
Appointment of Mel Levine to the  
Board of Water and Power Commissioners**

***FOR COUNCIL CONSIDERATION***

Dear Councilmembers:

On August 16, 2013, the Mayor transmitted to the City Clerk a letter indicating his appointment of Mr. Mel Levine to the Board of Water and Power Commissioners. The Ethics Commission received Mr. Levine's pre-confirmation statement of economic interests (SEI) on August 30, 2013, and this letter is provided for your consideration as part of the confirmation process. A copy of this letter is also being provided to Mr. Levine to help him avoid potential conflicts of interests that may arise in the course of his tenure as a member of Board of Water and Power Commissioners.

Mr. Levine reports on his SEI an ownership interest in the Levine and Bruck Living Trust, which holds the investments listed on Attachment A. He also discloses investment interests in Agnico Eagle Mines Ltd.; Goldcorp, Inc.; Microsoft Corp.; Newmont Mining Corporation; Vodafone; Yamana Gold, Inc.; iShares Silver Trust; and SPDR Gold Trust. In addition, he discloses retirement and salary income from Gibson, Dunn & Crutcher, LLP. If a matter involving any of these interests comes before the Board of Water and Power Commissioners, Mr. Levine should, before acting, seek the advice of the City Attorney regarding whether he should disqualify himself. We are unable to assess if or how frequently Mr. Levine would be in a position of having to recuse himself.

Interests disclosed on an SEI are not the only interests that can give rise to a conflict of interests. For example, state law may require recusal by a board or commission member due to certain business activities of the clients of that member's employer. Additionally, recusal may be required under City Charter § 222, which states that the City Attorney may provide a written opinion concerning the obligation of a City official to refrain from acting on a matter when it may violate state law or when action may not be in the public interest.

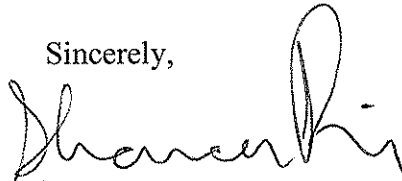
If a matter raises a potential conflict of interests, we encourage Mr. Levine to seek the advice of the City Attorney before acting. If Mr. Levine is required to disqualify himself from acting on a matter, Los Angeles Municipal Code § 49.5.6(J) and Executive Directive 2005-1 require him to file a Recusal Notification Form (CEC Form 51) with the Ethics Commission and the Mayor's office. If a board or commission member is disqualified from acting on three or

more agenda items in a year because of a conflict caused by the same interest, the Ethics Commission is required by City Charter § 707 to review the conflict. If the Ethics Commission determines that the member has a significant and continuing conflict of interests, it must order divestment of the interest that is causing the conflict.

In addition to reviewing a nominee's SEI, the Ethics Commission also verifies that the nominee is a registered City voter. We have received a completed Residence Verification Form for Mr. Levine, which affirms that he is registered to vote in the City.

If you have questions, please feel free to contact me at (213) 978-1960.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Prior". The signature is fluid and cursive, with a large loop at the end.

Shannon Prior  
Ethics Program Manager

Attachments

cc: Mayor Eric Garcetti  
Mr. Mel Levine

## Attachment A

### **Mel Levine**

*Pre-confirmation Form 700  
September 2013*

### **Schedule A-2**

### **Investments held by the Levine and Bruck Living Trust**

---

Agnico Eagle Mines, LTD.  
Bristol Myers Squibb Co.  
Canadian Natural Resources, LTD.  
City National Corporation  
Conoco Phillips  
Devon Energy Corporation  
Eli Lilly & Co.  
Goldcorp, Inc.  
Hollywood Fountain North Partnership  
Levine No. 1-6, LLC  
Martel Park Partnership  
Medtronic, Inc.  
Microsoft Corporation  
Proctor & Gamble  
Ronald Levine et al. Partnership  
SBL, LP  
SPDR Gold  
Vodafone  
Yamana Gold, Inc.