



Los Angeles City Ethics Commission

October 21, 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 13-1287**
Appointment of John W. Mack to the
City Planning Commission

FOR COUNCIL CONSIDERATION

Dear Councilmembers:

On September 30, 2013, the Mayor transmitted to the City Clerk a letter indicating his appointment of Mr. John W. Mack to the City Planning Commission. The Ethics Commission received Mr. Mack's pre-confirmation statement of economic interests (SEI) on October 18, 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. Mack to help him avoid potential conflicts of interests that may arise in the course of his tenure as a member of the City Planning Commission.

Mr. Mack reports on his SEI an investment interest in Wells Fargo and income from the Weingart Foundation for his position as a board member. If a matter involving either of these interests comes before the City Planning Commission, Mr. Mack 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. Mack would be in a position of having to recuse himself.

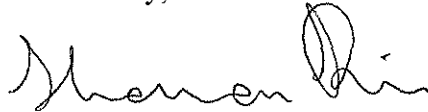
Interests disclosed on an SEI are not the only interests that can give rise to a conflict of interests. For example, state law may require recusal by a board or commission member due to certain business activities of the clients of that member's employer. Additionally, recusal may be required under City 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. Mack to seek the advice of the City Attorney before acting. If Mr. Mack 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 filing SEIs, nominees also file Residence Verification Forms. We have received a completed form from Mr. Mack, which states 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 initial "S" and "P".

Shannon Prior
Ethics Program Manager

cc: Mayor Eric Garcetti
Mr. John W. Mack