



Los Angeles City Ethics Commission

July 23, 2013

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

**Re: Council File Number 13-0913
Appointment of Monica Rodriguez to the
Board of Public Works**

FOR COUNCIL CONSIDERATION

Dear Councilmembers:

On July 18, 2013, the Mayor transmitted to the City Clerk a letter indicating his appointment of Ms. Monica Rodriguez to the Board of Public Works. The Ethics Commission received Ms. Rodriguez's pre-confirmation statement of economic interests (SEI) on July 22, 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 Ms. Rodriguez to help her avoid potential conflicts of interests that may arise in the course of her tenure as a member of the Board of Public Works.

Ms. Rodriguez reports on her SEI that she holds stock in KB Home. She also discloses income from the California Association of Realtors, where she serves as the director, and her spouse's income as a sales consultant at Galpin Motors, Inc. If a matter involving any of these interests comes before the Board of Public Works, Ms. Rodriguez should, before acting, seek the advice of the City Attorney regarding whether she should disqualify herself. We are unable to assess if or how frequently Ms. Rodriguez would be in a position of having to recuse herself.

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 Ms. Rodriguez to seek the advice of the City Attorney before acting. If Ms. Rodriguez is required to disqualify herself from acting on a matter, Los Angeles Municipal Code § 49.5.6(J) and Executive Directive 2005-1 require her 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 Ms. Rodriguez, which affirms that she is registered to vote in the City.

If you have questions, please feel free to contact Ethics Program Manager Shannon Prior at (213) 978-1960.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Holt", written over a horizontal line.

Heather Holt
Executive Director

cc: Mayor Eric Garcetti
Ms. Monica Rodriguez