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October 3, 2014

California Fish and Game Commission
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Sacramento, CA 94244-2090
VIA FACSIMILE & EMAIL
(916) 653-5040
fgc@fgc.ca.gov

**Re: Petition for the Fish and Game Commission's Adoption and Signing
of Governor Brown's Updated Incompatible Activities Statement
Pursuant to Government Code section 19990**

Dear Honorable Commissioners:

This Petition, submitted by the National Rifle Association of America ("NRA") pursuant to Government Code sections 11340.6 and 11340.7, requests that the California Fish & Game Commission (the "Commission") adopt and sign Governor Brown's most recent version of the "Incompatible Activities Statement" pursuant to Government Code section 19990.

I. STANDING OF PETITIONERS

Petitioner NRA is an Internal Revenue Code § 501(c)(4) nonprofit corporation, incorporated in the State of New York in 1871, with principal offices and place of business in Fairfax, Virginia. NRA has approximately five million members, and hundreds of thousands of members in California.

The founders of NRA desired to create an organization dedicated to marksmanship, or, in the parlance of the time, to "promote and encourage rifle shooting on a scientific basis." NRA's bylaws, at Article II, Section 5, state that one of the purposes of NRA is "[t]o promote hunter safety, and to promote and to defend hunting as a shooting sport and as a viable and necessary method of fostering the propagation, growth, conservation, and wise use of our renewable wildlife resources."

NRA has been a party to or supported multiple lawsuits throughout the nation supporting and defending the right to keep and bear firearms for hunting, sport shooting, and self-defense. Indeed, one of NRA's key functions is to preserve the tradition of hunting, by protecting it from unreasonable and unnecessary restrictions. NRA also seeks to keep bodies tasked with forming hunting policy, like this Commission, subject to the utmost standard of ethics and transparency.

Petitioner David Halbrook resides in Victorville, California, and has been a hunter for basically his entire life. Mr. Halbrook has hunted various big and small game in California in the past, and he intends to hunt in California in the future. Mr. Halbrook is a member of NRA and is the executive director of the Hunt For Truth Association.

Based on the foregoing, the NRA has standing to request the Commission to adopt the non-regulatory changes described in this petition.

II. REQUESTED ACTION

Petitioner seeks the Fish and Game Commission's adoption and signing of Governor Brown's most recent Incompatible Activities Statement in accordance with Government Code section 19990. The Statement is enclosed for the Commission's review, adoption, and signing.

III. JUSTIFICATION FOR REQUESTED ACTION

Government Code section 19990 seeks to eradicate conduct by state employees that is inconsistent with their duties in that role. To that end, section 19990 states: "Each appointing power shall determine . . . those activities which, for employees under its jurisdiction, are inconsistent, incompatible or in conflict with their duties as state officers or employees." § 19990.

Governor Brown is the appointing power for the Commission and has issued an updated "Incompatible Activities Statement" pursuant to section 19990—see enclosure. To Petitioner's knowledge, the Commission has not adopted this statement nor has any Commissioner signed it. Accordingly, Petitioner hereby requests that the Commission formally adopt the Governor's Statement and that each Commissioner be required to sign it.

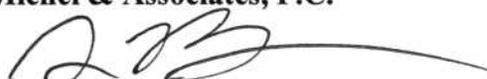
IV. THE COMMISSION HAS THE LEGAL AUTHORITY TO TAKE THE REQUESTED ACTION

Section 108 of the Fish and Game Code requires the commission to adopt rules to govern the business practices and processes of the Commission. Moreover, section 107 also requires that commissioners preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its policies. Thus, adoption of Governor Brown's Incompatible Activities Statement, attached here is clearly within the Commission's authority.

V. CONCLUSION

For the reasons stated herein, this Petition should be granted and each Commissioner should be required to sign Governor Brown's Incompatible Activities Statement.

Sincerely,
Michel & Associates, P.C.


Sean Brady

October 3, 2014
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SAB/ck
Encl. Governor's Incompatibility Activities Statement

cc: Executive Director Sonke Mastrup

OFFICE OF THE GOVERNOR

Incompatible Activities Statement

California Government Code section 19990 prohibits state officers and employees from engaging in certain activities that are determined by their appointing power to be inconsistent, incompatible, in conflict with or inimical to their duties as state officers or employees. No employment, activity, or enterprise shall be engaged in by any gubernatorial appointee that might result in, or create the appearance of resulting in, any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage, or the private gain or advantage of another.
2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.
3. Using confidential information acquired by virtue of State involvement for the appointee's private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of his or her duties.
5. Performance of an act in other than his or her capacity as an appointee and officer of the State knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such appointee. This prohibition does not prohibit an "industry" member of a board or commission, (e.g. a barber who is a member of the state Board of Barber Examiners) from performing the normal functions of his or her occupation.
6. Receiving or accepting, directly or indirectly, any gifts, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the State or whose activities are regulated or controlled in any way by the State, under circumstances from which it reasonably could be inferred that the gift was intended to influence the appointee in his or her official duties or was intended as a reward for any official action on his or her part.

7. Not devoting his or her full time, attention, and efforts to his or her State office or employment during his or her required or regular hours of duty as a State officer or employee.

Appointees of the governor who are full time employees of the State of California shall not serve on a local appointed or elected governmental board, commission, committee, or other body or as a local elected official, accept or enter upon any outside employment, or undertake any volunteer activity without first receiving permission from their immediate superior or supervisor.

I have read and understand this Incompatible Activities Statement, and have received a copy. I agree to abide by the responsibilities and requirements of the Incompatible Activities Statement, and I understand that failure to comply with these requirements and responsibilities may result in disciplinary action up to and including dismissal, and/or civil or criminal prosecution in accordance with applicable laws.

Employee Name

Employee Signature

Date: _____

Each appointee must file his or her Incompatible Activities Statement with the entity to which he or she is appointed. Thank you.