

California Governmental Ethics

California law regulates many aspects of ethics in municipal government. The Political Reform Act (PRA) is one such regulation, which establishes the threshold for ethics in public service by imposing certain reporting, conflicts, and recusal requirements. The PRA, however, is only the starting point for ethical considerations. Given the magnitude of public scrutiny, media attention, and regulatory oversight on government entities, public officials and those doing business with the government must successfully reconcile their actions with public integrity standards, applicable laws, and regulations. Public respect and building trust are guideposts for achieving integrity, transparency, and fairness in public agency behavior. Burke's California Public Law attorneys help train and guide public officials beyond what the law requires.

False Claims and Whistleblower Defense

A false claim is a type of fraud involving making a false statement or representation in order to obtain money or property from the government. False claims can take many forms including false certifications, false billing, and false representations related to government contracts, grants, or loans. The California False Claims Act provides a legal mechanism for the government to recover damages and penalties from individuals or entities that submit false claims.

False claims can be prosecuted under both civil and criminal law, and can result in severe penalties including fines, imprisonment, and exclusion from government contracting and other programs. Burke's

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California governmental ethics attorneys advise individuals and entities that engage in government contracting or receive government funds to be aware of the potential risks and legal requirements related to false claims and provide defense counsel in false claims litigation.

There are a variety of whistleblower statutes in many state and federal laws, permitting persons who expose misconduct to seek recovery on behalf of the government and their own personal recovery of a percentage of the government's recovery for exposing fraud and abuse. Most government benefit programs incorporate a whistleblower claim for any fraud and abuse involving the programs. Our attorneys are able to analyze such claims and have experience in prosecution and defense of them.

Conflicts of Interest

Conflict of interest issues are one of the most complex areas of law that affect public officials. There are a myriad of laws and regulations that govern conflicts of interest, including for elected officials who are lawyers the California Rules of Professional Conduct of the State Bar of California. Burke's California governmental ethics and professional liability attorneys counsel public officials on how to avoid potential pitfalls involved with such conflicts. Such counsel is crucial for the public agency clients and associated public officials. While a conflict may render a government action in a particular matter ineffective, individuals may be personally liable for penalties.

Political Reform Act

The Political Reform Act regulates conflicts of interest by requiring that public officials disclose potential conflicts and by prohibiting the participation of those officials in decision-making where there are actual conflicts. The California Attorney General, the Fair Political Practices Commission, and local district attorneys are empowered to enforce the Political Reform Act through criminal sanctions and civil penalties.

Although the penalties for violations of various provisions of the Political Reform Act vary, civil penalties are generally based upon the amount of money or value of a gift or contribution not reported; penalties can be high. Because good faith may sometimes be relevant in determining criminal and civil liability, it is particularly important to seek further advice whenever a potential problem appears.

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Public Records Act

The California Public Records Act (PRA) is a law granting the public the right to access public records. This law is intended to promote transparency and accountability in government; it helps ensure that the public may access information needed for informed participation in the democratic process.

Burke's California governmental ethics attorneys are dedicated to ensuring that public agency clients comply with PRA requirements. We provide legal guidance on the scope of PRA compliance including what records are subject to disclosure and what records are exempt from disclosure. The PRA is constantly evolving and we frequently provide public agency clients updates on changes in PRA interpretation. Additionally, Burke Public Law attorneys provide representation in litigation involving the PRA, including disputes over the release of records or the adequacy of a government agency's response to a request.

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