

# MONTHLY OPINION REPORT

## CALIFORNIA ATTORNEY GENERAL'S OFFICE



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**July 1, 2025**

The Attorney General's Opinion Unit is responsible for researching and drafting the formal opinions of the Attorney General. This Monthly Opinion Report lists all of the questions that are currently under consideration for formal opinions.

The Attorney General welcomes and solicits the views of all interested persons concerning the issues raised in any question submitted for an opinion. Views should be in writing and directed to the deputy assigned to prepare the opinion. Contact information for deputies is included at the end of this report. All views submitted before publication will be considered, but early submissions are greatly preferred. All submissions will be treated as public records subject to disclosure under the Public Records Act.

For more information about the Opinion Unit, or to retrieve a copy of a published opinion, please see our website at <http://oag.ca.gov/opinions>.

### NEW QUESTIONS ASSIGNED DURING JUNE 2025

#### **25-601 requested by Assemblymember Ash Kalra**

If the Director of Industrial Relations determines that the prevailing wage is the rate set by a collective bargaining agreement (CBA), and that CBA provides a separate classification for a foreman who performs on-site work while supervising the work crew, does the Labor Code require the Director to publish the prevailing wage rate for the foreman classification?

(Assigned to Deputy Attorney General Nicole Welindt.)

**OPINIONS ISSUED OR CONCLUDED DURING JUNE 2025**

**23-601 (issued June 3, 2025)**

*Questions Presented and Conclusions:*

1. May the Teachers' Retirement Board assess penalties under Education Code sections 23003, 23006, and 23008 against a county office of education for contribution and reporting errors attributable to a charter school on whose behalf the county superintendent of schools contributes and reports to the California State Teachers' Retirement System (CalSTRS)?

Yes. The Teachers' Retirement Board may assess penalties under Education Code sections 23003, 23006, and 23008 against a county office of education for contribution and reporting errors attributable to a charter school on whose behalf the county supervisor of schools contributes and reports to CalSTRS.

2. If the answer to Question 1 is yes, does the county office of education, through its superintendent of schools, have an administrative remedy for contesting the assessment of a penalty the superintendent believes to be incorrect?

Yes. The county office of education, through its superintendent of schools, may seek and obtain an administrative appeal to contest the assessment of a penalty the superintendent believes to be incorrect.

3. If the answer to Question 1 is yes, does Education Code section 23012 authorize the county superintendent of schools to recover funds used to pay the assessment or penalty from the funds allotted to the charter school?

Yes. Education Code section 23012 authorizes the county superintendent of schools to recover funds used to pay the assessment or penalty from the funds allotted to the charter school.

## OPINIONS PENDING

### Opinion Requests

- 25-601** If the Director of Industrial Relations determines that the prevailing wage is the rate set by a collective bargaining agreement (CBA), and that CBA provides a separate classification for a foreman who performs on-site work while supervising the work crew, does the Labor Code require the Director to publish the prevailing wage rate for the foreman classification? (Welindt)
- 25-304** Can the California Department of Tax and Fee Administration contract to administer the transactions and use taxes of a county and of a city within that county when the tax ordinances are approved by their respective electorates in the same election but the imposition of both taxes would cause the combined rate of tax in the county to exceed the limit set forth in both the specific authorizing provision of Part 1.7 of Division 2 and section 7251.1 of the Revenue and Taxation Code? (Welindt)
- 24-1102** May a concealed carry weapon (CCW) permit be denied under Penal Code section 26202(a)(8), which disqualifies CCW permit applicants who are “currently abusing controlled substances,” based on an applicant’s otherwise lawful use of marijuana under California law? (Bidart)
- 24-1101** Do the exemptions from local building and zoning ordinances set forth in Government Code section 53091, subdivisions (d) and (e), apply to all California public water systems, including independent water companies? (Duncan Lee)
- 24-902** Are claw machines illegal gambling devices under California’s gaming device statutes? (Kentfield)
- 24-702** May the same individual serve simultaneously on the Board of Commissioners for the White Mountain Fire Protection District and the Board of Directors for the Tri Valley Groundwater Management District? (McCarroll)
- 24-403** May federally recognized Indian tribes which are located exclusively within the exterior boundaries of the State of California, and who have adopted laws that impose comprehensive requirements substantially comparable to the California Cannabis Regulatory Framework, lawfully conduct intrastate commercial cannabis activity solely within the State of California with California state cannabis licensees without obtaining such a license themselves? (Thomas)

- 23-1001** Does California law prohibit the offering and operation of daily fantasy sports betting platforms with players physically located within the State of California, regardless of whether the operators and associated technology are located within or outside of the State? (Kentfield)
- 23-701** Does the California Office of Tax Appeals have the legal authority and jurisdiction to issue a written opinion declaring a provision in the California Code of Regulations, which was promulgated by a different state agency and approved by the Office of Administrative Law, to be invalid and refuse to enforce the regulation on that basis? (Kentfield)

Quo Warranto Matters

- 25-501** May Gary Mendez serve as a member of both the Whittier High School District Board of Trustees and the Central Basin Municipal Water District Board of Directors? (Bidart)
- 25-301** Was Christopher Pikus validly appointed to the Poway City Council? (Medeiros)
- 24-1002** Was Mark Skvarna validly appointed to the office of Montebello Unified School District Superintendent? (McCarroll)
- 24-802** May the San Diego Police Officers Association challenge the validity of a provision of the Proposition B initiative measure that the Association alleges to have unlawfully affected the pension benefits of some of its members? (Kentfield)

## CONTACT US

To submit an opinion request or a quo warranto application, please contact:  
Senior Assistant Attorney General Marc J. Nolan at [Marc.Nolan@doj.ca.gov](mailto:Marc.Nolan@doj.ca.gov).

The Opinion Unit invites comments on the questions posed in pending opinion requests. To share your views, please contact the deputy assigned to prepare the opinion. Deputies can be reached at the following email addresses:

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For all other inquiries, please contact Stephanie Grimes, Associate Governmental Program Analyst, at [Stephanie.Grimes@doj.ca.gov](mailto:Stephanie.Grimes@doj.ca.gov) or (916) 210-6005.

You may also contact the Opinion Unit at the following address:

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