MONTHLY OPINION REPORT
CALIFORNIA ATTORNEY GENERAL'S OFFICE

ROB BONTA
Attorney General

VENUS D. JOHNSON
Chief Deputy Attorney General

MICHAEL J. MONGAN
Solicitor General

OPINION UNIT
Marc J. Nolan, Senior Assistant Attorney General
Karim J. Kentfield, Supervising Deputy Attorney General
Catherine Bidart, Deputy Attorney General
Susan Duncan Lee, Deputy Attorney General
Ryan B. McCarroll, Deputy Attorney General
Manuel M. Medeiros, Deputy Attorney General
Heather Thomas, Deputy Attorney General
Stephanie Grimes, Associate Governmental Program Analyst

April 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 MARCH 2025

25-301 Quo Warranto Application

Was Christopher Pikus validly appointed to the Poway City Council?

(Assigned to Deputy Attorney General Manuel M. Medeiros.)

25-304 requested by the California Department of Tax and Fee Administration Chief Counsel Chris A. Schutz

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?

(Assigned to Supervising Deputy Attorney General Karim J. Kentfield.)

OPINIONS ISSUED OR CONCLUDED DURING MARCH 2025

25-101 (cancelled March 26, 2025)

Question Presented:

Has Rene Boisvert, or the entity known as Taking It To The Streets, LLC, usurped, intruded into, or unlawfully held or exercised a franchise within the State of California?

OPINIONS PENDING

Opinion Requests

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? (Kentfield)

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)

24-502   Does Public Utilities Code section 11865 require an appointed district board member to step down between the date of the general election following their appointment and the date that the secretary of the district certifies the election results? (Medeiros)

24-501   Does the State Density Bonus Law (Government Code sections 65915-65918) allow a local government to impose local affordable housing requirements on the entire number of residential units proposed in a project—that is, including those units resulting from a density bonus under the state law? (Bidart)

24-405   Has the United States acquired legislative jurisdiction at San Clemente Island, Los Angeles County, pursuant to Chapter 56, Statutes of 1897? (McCarroll)

24-404   Does the California Citizens Compensation Commission have the authority to adjust the base pay of the members of the State Board of Equalization in light of the reduction in their duties, powers and responsibilities following passage of Assembly Bill 102, The Taxpayer Transparency and Fairness Act of 2017? (Duncan Lee)

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)

24-102   Is Madera County's Regional Water Management Group subject to the Brown Act? (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)

23-601   1. May the California State Teacher's Retirement System (CalSTRS) assess a penalty against a county office of education (COE) for errors in the CalSTRS reporting and contributions of a charter school that operates within the county and submits its CalSTRS payments through the COE? 2. If so, how may the COE defend against an assessment it believes to be incorrect?   3. Could CalSTRS issue a warrant that would allow the COE to withdraw funds directly from an agency that provides its CalSTRS reporting and contributions through the COE if that agency refuses to submit its penalty assessments to the COE voluntarily? (Medeiros)

Quo Warranto Matters

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.

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:

Karim J. Kentfield, Supervising Deputy Attorney General:
Karim.Kentfield@doj.ca.gov.

Catherine Bidart, Deputy Attorney General:
Catherine.Bidart@doj.ca.gov.

Susan Duncan Lee, Deputy Attorney General:
Susan.Lee@doj.ca.gov.

Ryan B. McCarroll, Deputy Attorney General:
Ryan.McCarroll@doj.ca.gov.

Manuel M. Medeiros, Deputy Attorney General:
Manuel.Medeiros@doj.ca.gov.

Heather Thomas, Deputy Attorney General:
Heather.Thomas@doj.ca.gov.

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

You may also contact the Opinion Unit at the following address:
Office of the Attorney General
Opinion Unit, Department of Justice
Attn: Stephanie Grimes, AGPA
P. O. Box 944255
Sacramento, CA 94244-2550.