

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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June 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 MAY 2025

25-501 Quo Warranto Application

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?

(Assigned to Deputy Attorney General Catherine Bidart.)

OPINIONS ISSUED OR CONCLUDED DURING MAY 2025

24-102 (issued May 8, 2025)

Question Presented and Conclusion:

Is the Madera County Regional Water Management Group subject to the Brown Act?

Yes. The Madera County Regional Water Management Group is subject to the Brown Act.

24-405 (issued May 15, 2025)

Question Presented and Conclusion:

Statutes 1897, chapter 56, extended to the federal government an offer of “exclusive jurisdiction over all lands within this State now held, occupied, or reserved by the Government of the United States for military purposes or defense, or which may hereafter be ceded or conveyed to said United States for such purposes.” Did that offer apply to San Clemente Island off the coast of Southern California?

No. We remain of the view expressed in this office's Indexed Letter No. IL 74-15 (Jan. 23, 1974) that the offer of exclusive jurisdiction under Statutes 1897, chapter 56, did not include San Clemente Island. The historical record does not establish that the federal government used the island for military purposes in 1897. Nor was the island ceded or conveyed to the United States after 1897. But because there is no dispute that the island is federal property, our conclusion does not implicate the federal government's constitutional power to use the island for military purposes, as it has since 1934.

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)
- 24-403** 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)
- 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

- 25-501** 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.

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 or (916) 210-6005.

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