



California Fair Political Practices Commission

July 30, 1986

Charles E. Bell
Chief Sergeant-at-Arms
California State Assembly
State Capitol
Sacramento, CA 95814

Re: Your Request for Advice
Our Advice No. A-86-220

Dear Mr. Bell:

This is in response to your July 2, 1986, letter concerning your reporting obligations under the Political Reform Act of 1974.^{1/}

QUESTION

You asked if you are required to report to the Fair Political Practices Commission any gifts or tickets you receive in your capacity as the Chief Sergeant-at-Arms for the California State Assembly.

CONCLUSION

Your position is not one that is "designated" within the conflict of interest code for the California State Legislature to report economic interests. Therefore, you have no obligation to report to the Fair Political Practices Commission your receipt of gifts or tickets. You are, however, subject to the disqualification provisions of the Political Reform Act and are prohibited from making or participating in the making of governmental decisions which will reasonably and foreseeably affect your economic interests, including sources of gifts or tickets. Section 87103(e).

DISCUSSION

Government Code Section 87300 provides that every agency shall adopt and promulgate a conflict of interest code. Conflict of interest codes enumerate the positions within the agency which involve the making or participation in the making

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted.

Charles E. Bell
July 30, 1986
Page Two

of decisions which may foreseeably have a material effect on any economic interest. For each position a conflict of interest code describes the investments, real property and sources of income which can be affected by any decision made by the designated employee.

Prior to 1983 your position was designated within the code for the California State Assembly and did require disclosure of economic interests.

In 1983 the legislature amended its code to add, retitle, or delete positions within the code. Your position was previously designated in error and was deleted. You are no longer required to report your financial interests.

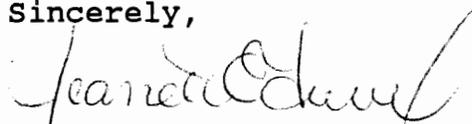
Even though you have no disclosure obligations under the Act, you should be aware that the disqualification provisions still apply. Section 87100 provides that no public official at any level of state or local government shall make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on, among other things, any donor of a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, or promised to the public official within 12 months prior to the time when the decision is made. Section 87103(e).

Accordingly, should a decision come before you which could affect the donor of a gift or ticket in a material manner, you should disqualify yourself from participating in that decision process. If you are unsure as to whether your disqualification is necessary on a particular decision, you are welcome to contact this agency's legal division for advice.

I believe this answers your questions. Should you have any further questions, please feel free to contact me at (916) 322-5901.

Sincerely,



Jeanette Turvill
Legal Assistant
Legal Division

JT:km

Assembly California Legislature

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CHARLES E. BELL
CHIEF SERGEANT-AT-ARMS

July 2, 1986

Mrs. Jeanette Turvill
Legal Assistant
Fair Political Practices
Commission
428 J Street, Suite 800
Sacramento, CA 95814

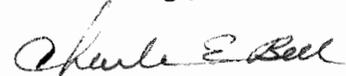
Dear Mrs. Turvill:

As Chief Sergeant-at-Arms of the State Assembly, I have (in prior years) been required to complete a Conflict of Interest statement. Just this past year, however, I was informed that this would no longer be a requirement.

In lieu of this most recent change, I am still somewhat unclear as to what restrictions, if any, are placed on complimentary tickets, gifts, etc. received by me. In addition, should any of these items be reported to the FPPC by letter or some other method?

A written response to these inquiries would be greatly appreciated. Thank you kindly for your assistance.

Sincerely,



CHARLES E. BELL
Chief Sergeant-at-Arms

CEB:jc



California Fair Political Practices Commission

July 9, 1986

Charles E. Bell
Chief Sergeant-at-Arms
California State Assembly
State Capitol
Sacramento, CA 95814

Re: 86-220

Dear Mr. Bell:

Your letter requesting advice under the Political Reform Act has been received on July 8, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanette E. Turvill".

Jeanette E. Turvill
Counsel
Legal Division

JET:plh