



California Fair Political Practices Commission

March 12, 1987

Todd Juvinall
Supervisor, First District
County of Nevada
201 Church Street
Nevada City, CA 95959

Re: Your Request for Advice
Our File No. A 87-039

Dear Mr. Juvinall:

You have requested advice with regard to your duties under the conflict of interest disclosure provisions of the Political Reform Act.^{1/}

QUESTION

Are you required to report on your Annual Statement of Economic Interests a home loan you received from a commercial bank or the fact that a personal friend co-signed the loan?

CONCLUSION

You are not required to report the loan because, as you indicated in our telephone conversation of January 30, 1987, the loan was obtained to purchase your principal place of residence and was from a commercial lending institution in the regular course of business. You also need not report the co-signer of the loan.

ANALYSIS

The Political Reform Act provides that elected officers must report income of \$250 or more from a single source. (Section 87207(a).) Loans are a type of income. (Section 82030.)

However, Section 82030(b)(8) provides that reportable income does not include:

Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

Todd Juvinall
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(A) Used to purchase, refinance the purchase of, or for improvements to, the principal residence of the filer.

Therefore, the loan about which you inquired is not required to be reported on your Statement of Economic Interests.

Since the loan itself is not required to be reported, the personal friend who co-signed for the loan is not required to be disclosed on your Statement of Economic Interests.

Although this is the current advice regarding co-signers of non-reportable loans, we anticipate that the Commission may re-examine this issue in the future. Please contact us again before completing the next Statement of Economic Interests you are required to file to determine the Commission's position on this issue.

If you have any questions about this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Jeanne Pritchard
Division Chief, Technical
Assistance & Analysis

DMG:JP:kmt

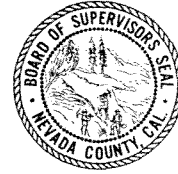
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STATE OF CALIFORNIA

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Cathy R. Thompson
Clerk of the Board

201 Church Street
NEVADA CITY, CALIFORNIA 95959
Phone: Area Code 916-265-1480

January 30, 1987

Jean Pritchard
Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95814

Dear Jean:

This letter is a follow-up to our phone conversation of January 30, 1987, in which I asked for the disclosure requirement on my primary residence.

As I stated in the call, a close personal friend co-signed for my wife and I so that we could qualify for a home mortgage from a commercial bank. There was no money involved, only the strength of this individual's credit was used. I would like to have in writing from you at your earliest convenience the opinion you stated on the phone. As a refresher, you stated that because it was my primary residence, and the loan was from a commercial bank that there was no requirement for disclosure.

Thank you very much for your help in this matter.

Sincerely,

TODD JUVINAL
Supervisor, First District

TJ/sr



California Fair Political Practices Commission

February 4, 1987

Todd Juvinall
Nevada County Supervisor
201 Church Street
Nevada City, CA 95959

Re: 87-039

Dear Mr. Juvinall:

Your letter requesting advice under the Political Reform Act was received on February 3, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh



California Fair Political Practices Commission

March 5, 1987

Todd Juvinall
Nevada County Supervisor
201 Church Street
Nevada City, CA 95959

Re: Your Request for Advice
Our File No. 87-039

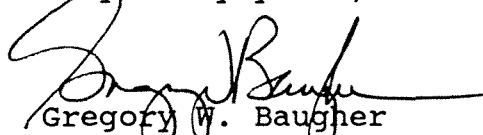
Dear Mr. Juvinall:

This letter is to advise you that I have determined that good cause exists for an extension of time for responding to your request for advice under the Political Reform Act.^{1/} Section 83114(b) requires the Commission to provide advice to a requestor within 21 working days of receipt of all the facts material to answering the request for advice. Section 83114(b) also provides that this time may be extended for good cause.

Commission advice letters provide certain immunities. Therefore, each advice letter must be given a careful and complete review before it is issued. As a result of a sudden and substantial increase in the volume of advice requests which arrived within a short period of time, the staff is unable to fully and fairly respond to all of those requests at the same time. In order to assure full consideration of your request, I have extended the time for our response by 14 working days. Our response will be mailed to you on or before that date.

If you anticipate significant problems as a result of this delay, please contact the Commission's General Counsel, Diane Griffiths at (916) 322-5901.

Very truly yours,


Gregory W. Baugher
Executive Director

GWB:plh

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