



# California Fair Political Practices Commission

June 3, 1987

Melvin Shapiro  
3786 Alabama Street, B-306  
San Diego, CA 92104

Re: Your Request for Advice  
Our File No. I-87-121

Dear Mr. Shapiro:

On April 17, 1987, we received your letter dated April 15, 1987. Unfortunately, it was misplaced. This is not a common occurrence in this agency, but it can happen. I hope you will accept my sincere apology for the delay in responding.

You have written with concerns about the San Diego Community College District Foundation. You believe that its directors should be filing statements of economic interest (SEIs), but they apparently have not done so.

The Political Reform Act <sup>1/</sup> requires the Commission to provide formal written advice to any person whose duties under the Act are in question. The Commission does not provide advice to third parties seeking advice concerning another person's duties under the Act. (Regulation 18329(b)(8)(B); copy enclosed) Consequently, we are not able to provide advice on the issue you raise in your letter.

Let me note, generally, that directors of community college auxiliary organizations are not required to file SEIs unless they are designated as filers by their agency's conflict of interest code. You have indicated that the San Diego foundation has not so designated its directors. You might raise this issue with the foundation if you have not done so already.

Sincerely,

A handwritten signature in cursive script that reads 'Diane M. Griffiths'.

Diane M. Griffiths  
General Counsel

DMG:jaj

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<sup>1/</sup> 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.

**MELVIN SHAPIRO**

3786 Alabama St. B-306  
San Diego, CA 92104

APR 17 9 43 AM '87

April 15, 1987

Fair Political Practices Commission  
PO Box 807  
Sacramento, Ca 95804-0807

To Whom it may Concern:

The San Diego Community College District Foundation has not filed any conflict of interest code nor has its directors filed any statements of economic interest. I believe that the Foundation is a public agency and should have filed.

The foundation was created by the San Diego Community College District (District) and all of its directors are appointed by the District. The Foundation performs functions that are identical to the District, namely teaching of courses in the District's classrooms. Furthermore, the Chancellor of the District is the Chief Executive Officer of the Foundation. These are some of the reasons that I believe the Foundation is a public agency and should have filed statements with you.

I would appreciate receiving copies of any correspondence between you and the Foundation plus your opinion on the matter.

Sincerely,

*Melvin Shapiro*



# California Fair Political Practices Commission

April 21, 1987

Melvyn Shapiro  
3786 Alabama Street, B-306  
San Diego, Ca 92104

Re: 87-121

Dear Mr. Shapiro:

Your letter requesting advice under the Political Reform Act was received on April 17, 1987 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 more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).) 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, appearing to read "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh