



California Fair Political Practices Commission

March 8, 1988

Mark Shusted
Research Attorney
Superior Court
County of Monterey
P.O. Box 414
Salinas, CA 93902

Re: Your Request for Advice
Our File No. I-88-080

Dear Mr. Shusted:

I am writing to confirm the substance of our telephone conversations of February 17 and 22, 1988. You wanted to know whether the Commission requires adoption of conflict of interest codes for grand juries and the basis for this requirement.

Government Code Section 87300 requires every agency to adopt a conflict of interest code. Any state or local government agency is an "agency" for the purposes of the Political Reform Act.^{1/} (Section 82003.) Section 82041 describes a local government agency as a "department, division, bureau, office, board, commission or other agency of the foregoing."

The California Supreme Court in People v. Superior Court (1975) 13 Cal. 3d 430, 438, found a grand jury to be a judicial body that is "part of the court by which it is convened." Therefore, because a grand jury is a department or agency of a court, the grand jury is subject to the provisions of Section 87300.

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

Mr. Shuster
March 8, 1988
Page 2

The Commission considered this issue at some length in 1986. I enclose a copy of the Commission's Whittington Advice Letter, No. A-85-185, which discusses the Commission's legal interpretation in more detail. At the subsequent Commission hearings mentioned in Whittington, the Commission endorsed the arguments set out in the letter, but also concluded that the counties are in the best position to evaluate the varying duties and powers of local grand juries and to assign appropriate disclosure categories.

I hope this clarifies the basis for Commission authority to require conflict of interest codes for grand juries. Please call me at (916) 322-5901 if you have any questions about this letter.

Sincerely,

Diane M. Griffiths
General Counsel


By: Margarita Altamirano
Counsel, Legal Division

DMG:MA:mk