



# California Fair Political Practices Commission

July 18, 1989

Robert Jacobson  
Principal Consultant  
Assembly Utilities and Commerce Committee  
State Capitol  
Sacramento, CA 95814

Re: Your Request for Informal Assistance  
Our File No. I-89-293

Dear Mr. Jacobson:

You have requested advice concerning your responsibilities under the conflict-of-interest provisions of the Political Reform Act (the "Act").<sup>1/</sup> Since your request for advice does not refer to a specific governmental decision, we are treating your request as one for informal assistance.<sup>2/</sup>

This letter confirms that your letter of May 12, 1989, and your attached draft letter accurately reflect the telephone advice I provided to you regarding a letter you would like to disseminate on your personal stationery, at your personal expense regarding the potential for a consulting business you may wish to establish in the future.

The Act does not prohibit your "testing the waters" for potential future clients. The Act prohibits your participation in a governmental decision which could foreseeably have a material financial effect on you, your business or a source of income to

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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 are to the Government Code unless otherwise indicated. 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.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

your business. Since you do not, at the present time, have a financial interest in the decisions affecting the persons or entities to whom you are writing, you need not be concerned about violating the Act.

However, while you remain an employee of the Legislature, should you receive responses to your letter which could raise a potential conflict-of-interest situation through an offer of income or other financial benefit, you may want to request more specific advice from this office regarding your responsibilities under the Act at that time. In this regard, we recommend that you delete the language on page 3 paragraph 2, of your letter, which assures the reader that his or her reply will not invoke any of the rules of the FPPC.

If you have any questions regarding this response, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

*Lilly Spitz by Ked*  
By: Lilly Spitz  
Counsel, Legal Division

KED:LS:ld



# CALIFORNIA JUDGES ASSOCIATION

F F F  
Fox Plaza, Suite 208 • 1390 Market Street • San Francisco, California 94102

(415) 552-7660

MAY 15 11 00 AM '89

May 12, 1989

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Constance E. Dove  
Executive Director

Ms. Jeanne Pritchard  
Technical Assistance Division  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95804

Dear Ms. Pritchard:

I am writing on behalf of the California Judges Association to request a clarification of policy in regard to judges who are elevated to higher courts. The attached correspondence from Justice Rodney Davis states what we understand to be the correct policy in regard to judges who are elevated without a break in service and therefore do not need to file a Form 721.

We are asking that you formally notify court executives, court clerks, and the Commission on Judicial Appointments of this policy to prevent confusion, inappropriate sanctions, and unnecessary worry throughout the state. Coming from your agency, the information would be authoritative and our members could rely on it with a certainty not available if CJA were its source.

Thank you for your assistance in this matter and in the many others on which we have contacted you recently.

Sincerely,

Constance E. Dove  
Executive Director

cc: Hon. Candace Cooper  
Hon. Rodney Davis  
Hon. Sherman W. Smith, Jr.

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IN THE  
**Court of Appeal of the State of California**  
IN AND FOR THE  
**THIRD APPELLATE DISTRICT**

March 13, 1989

Ms. Colleen McGee  
Political Reform Consultant  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804-0807

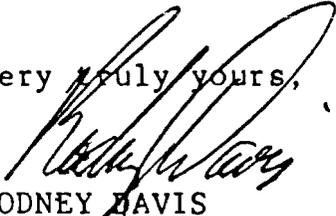
Dear Ms. McGee:

Thank you for responding on March 6, 1989, to my inquiry regarding the requirements for filing a Form 721 Assuming Office Statement.

This is to confirm your instruction that I am not required to file either an assuming office or leaving office statement, because I was elevated from the Sacramento County Superior Court to the Court of Appeal, Third Appellate District, without a break in service. Since I already filed my Annual Statement on February 8, 1989, you informed me that no additional statement need be filed this year. You also indicated that you would ensure that my records are amended to reflect my new judicial position and the fact that another Statement of Economic Interests is not required in 1989.

Thank you again for your assistance. I sincerely appreciate your help.

Very truly yours,

  
RODNEY DAVIS  
Associate Justice

*cc: Connie Dove ✓*



# California Fair Political Practices Commission

May 19, 1989

Constance E. Dove  
Executive Director  
California Judges Association  
Fox Plaza, Suite 208  
1390 Market Street  
San Francisco, CA 94102

Re: Letter No. 89-294

Dear Ms. Dove:

Your letter requesting advice under the Political Reform Act was received on May 15, 1989 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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. 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,

Jeanne Pritchard  
Chief Technical Assistance  
and Analysis Division

JP:plh