

# California Fair Political Practices Commission

John H. Larson  
Chairman

(916) 322-5901



July 17, 1989

Glen T. Noyes, Foreman  
San Bernardino County Grand Jury  
351 North Arrowhead Avenue  
Courthouse, Room 307  
San Bernardino, CA 92415-0243

Re: Grand Juror Disclosure  
Our File No. I-89-379

Dear Mr. Noyes:

I have received your letter regarding application of the Political Reform Act to grand jurors. As you may know, the Commission held several hearings on this topic during 1987. Following those hearings, the Commission concluded that the Act requires conflict of interest codes to be adopted setting out the financial disclosure responsibilities of grand jurors. The extent of that disclosure is determined at the local level. The codes must require disclosure of economic interests which may be materially affected by decisions in which the grand jurors participate.

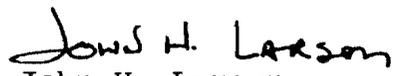
Before reaching these conclusions, the Commission invested a tremendous amount of thought and effort. Comments similar to yours were raised by several commentators. However, the Commission found that the conflict of interest provisions of the Act apply to grand jurors.

The Commission is well aware of the important role played by members of the grand jury. It is precisely because of the importance of that role that the grand jurors are subject to the conflict of interest provisions. The Commission is also aware that grand jurors serve as uncompensated volunteers. However, the Act makes no distinction between compensated and uncompensated public officials. On the contrary, the courts have specifically held that the financial disclosure laws apply to uncompensated bodies. (Commission on Cal. State Gov. Org. & Econ. v. Fair Political Practices Com. (1977) 75 Cal. App. 3d 716, 724, copy enclosed.)

Glen T. Noyes, Foreman  
July 17, 1989  
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If you have any further questions, please contact John McLean, Staff Counsel in the Commission's Legal Division at (916) 322-5901.

Sincerely,

  
John H. Larson  
Chairman

Encl.

# GRAND JURY

351 North Arrowhead Avenue, Room 307, Courthouse  
San Bernardino, CA 92415-0243 • (714) 387-3820

COUNTY OF SAN BERNARDINO



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June 21, 1989

Mr. John H. Larson, Chairman  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
Sacramento, California 95814

Dear Mr. Larson:

The FPPC ruling that individual Grand Jurors must file Statements of Economic Interest should be reconsidered.

Citizens serving on county grand juries, while reimbursed for some expenses and provided a small stipend, cannot be considered as anything more than willing volunteers. There seems to be little rationale, other than strict technical interpretation, for considering jurors as employees. Further, grand jurors, acting in concert, may only recommend and may not decide matters.

Fulfilling duties with which juries are charged requires experienced, intelligent, dedicated and mature individuals. Some counties are finding it extremely difficult to attract qualified individuals who can devote a year with little compensation. Compelling jurors to furnish a Statement of Economic Interest would dissuade many competent persons from applying.

It is the practice of the San Bernardino County Grand Jury to require jurors, at the outset of their duty, to disclose any potential circumstances that could become a conflict of interest. Jurors are also required to withdraw from debate and refrain from voting on matters which may give the appearance of a conflict.

San Bernardino County Grand Jury urges that the ruling be reversed.

Sincerely,

  
GLEN T. NOYES  
Foreman  
1988-89 Grand Jury

GTN:ss



# California Fair Political Practices Commission

June 28, 1989

Glen T. Noyes  
Grand Jury Foreman  
351 North Arrowhead Ave., Room 307  
Courthouse  
San Bernardino, CA 92415-0243

Re: Letter No. 89-379

Dear Mr. Noyes:

Your letter requesting advice under the Political Reform Act was received on June 23, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean an attorney in the Legal Division, 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 more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to 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,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh