



# California Fair Political Practices Commission

December 26, 1989

Ginger Vadurro  
Director, Human Resources Administration  
PO Box 151  
Los Angeles, CA 90053

Re: Request for Informal Assistance  
Our File No. I-89-641

Dear Ms. Vadurro:

You have requested advice concerning the conflict of interest provisions of the Political Reform Act ("Act").<sup>1/</sup> Your request is one for general assistance. Accordingly, we are treating it as a request for informal assistance.<sup>2/</sup>

## QUESTIONS

Can the positions of Associate Personnel Administrator, Training Officer, Supervising Law Clerk and Law Clerk be deleted from the existing conflict of interest code for the Superior Court of Los Angeles County?

You have also asked for our staff to review your conflict of interest code as it appears currently, and to offer any suggestions which would assist you in maintaining an effective, accurate code.

## CONCLUSION

Based upon review of the documentation submitted with your October 16, 1989, correspondence, we have determined that the positions of Associate Personnel Administrator, Training Officer,

---

<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 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).)

Supervising Law Clerk and Law Clerk should remain designated in the conflict of interest code of the Superior Court of Los Angeles County.

#### FACTS

You have stated that the positions of Associate Personnel Administrator and Training Officer are staff positions. They each supervise a small staff, but any major decision, such as one regarding the appointment or release of an employee, would be reviewed by their manager, the Director of Human Resources Administration. The Director of Human Resources Administration is a designated position. Additionally, any decisions of the Training Officer to use the services of a vendor for training would be reviewed by the Director of Human Resources Administration and the Senior Director of Administration, again, both of which are designated positions.

The positions of Supervising Law Clerk and Law Clerk are research-type positions, gathering information for judicial officers to whom they have been assigned. These positions are usually temporary in nature, causing a high turnover rate, which in turns creates a backlog of untimely filed statements of economic interests. In most cases, leaving office statements are not filed.

#### ANALYSIS

A conflict of interest code is a document which lists the positions within the agency that are in decisionmaking capacities and further provides disclosure categories which describe the type of information to be reported by the employees designated in the code. The categories are designed to require disclosure of the financial interests which the designated employee can affect by decisions he or she makes in his or her official capacity. (Section 87300.)

Based upon review of the duty statements submitted for the positions of Associate Personnel Administrator, Training Officer, Supervising Law Clerk and Law Clerk, we have determined that these positions should remain designated. Accordingly, the employees who hold those positions must file the appropriate statements of economic interests.

Any employee who exercises decisionmaking authority must be included in the list of the court's designated employees if he or she makes decisions whether or not to obligate or commit his or her agency to a course of action (Regulation 18700(b) (3)), or, if, he or she:

- (1) Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or

- (2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:
  - (A) Conducting research or making any investigation which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision, or
  - (B) Preparing or presenting any report, analysis or opinion, orally or in writing, which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision.

Regulation 18700(c)(1) and (c)(2).

It would appear that the Associate Personnel Administrator exercises decisionmaking authority by performing duties such as making recommendations for the solution of problems of organization, procedures, programs, budget, and personnel. Similarly, the position of Training Officer exercises decisionmaking authority by preparing recommendations as to training needs, vendors, manuals, visual aids, and various other materials.

The Supervising Law Clerk and Law Clerk, through their research and exercise of independent judgement, are participating in the making of governmental decisions. (Regulation 18700.)

The actual conflict of interest code looks in good shape. We do have a few suggestions, due to recent changes, which should be amended into your code. Section 1 of your code incorporates the "California Administrative Code, title 2, section 18730" as the body of your code. However, the California Administrative Code has been renamed. Please amend your incorporation statement, Section 1, to reflect the new title, "California Code of Regulations, title 2, section 18730."

Secondly, the statute governing the contents of conflict of interest codes was changed last year to require disclosure categories to specifically require the disclosure of business positions, when appropriate. Your disclosure category 2 should be amended to read, "Employees assigned to this disclosure category shall report all investments and business positions in and sources of income from business entities...". Category 3 should be amended to read, "Employees assigned to this disclosure category shall report all investments and business positions in and sources of income from business entities, and interests in real property in...".

To alleviate some of the confusion and the overwhelming task of monitoring the statements of economic interests from the law clerks, you may wish to have them file a combined assuming office

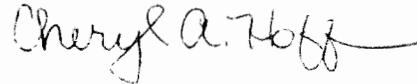
and leaving office statement. This may save your filing officer a vital step at the filing deadline, and should eliminate untimely, or unfiled, statements of economic interests from your law clerks.

If you should have any questions as to combining statements, please contact Linda Moureaux of our Technical Assistance and Analysis Division at (916) 322-5662.

If I can be of any further assistance with your conflict of interest code, please feel free to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Cheryl A. Hoff  
Staff Services Analyst  
Legal Division

KED:CAH:I89641

LOS ANGELES COUNTY CLERK  
AND  
EXECUTIVE OFFICER OF THE SUPERIOR COURT

111 NORTH HILL STREET  
MAILING ADDRESS P.O. BOX 151  
LOS ANGELES, CALIFORNIA 90053

FRANKS, ZOLIN  
COUNTY CLERK, EXECUTIVE OFFICER

October 16, 1989

Oct 20 12:32 AM '89  
FPPC

Ms. Cheryl Hoff  
California Fair Political  
Practices Commission  
Legal Division  
428 J Street, Suite 800  
Post Office Box 807  
Sacramento, CA 95804-0807

Dear Ms. Hoff:

In revising the Court's Conflict of Interest Code/Appendix of Designated Employees to include new titles and recently established positions, we find four positions currently listed which we feel may be omitted. We do not believe that the decisions in which these positions would participate may foreseeably have a "material affect on any financial interest," as provided in Government Code Section 82019(c).

We would appreciate your advice on removing them.

The four positions are:

- Associate Personnel Administrator
- Training Officer
- Law Clerk
- Supervising Law Clerk

Both the Associate Personnel Administrator and the Training Officer are staff positions. They each supervise a small staff, but any major decision, such as one regarding the appointment or release of an employee, would be reviewed by their manager, the Director of Human Resources Administration, which is a designated position. Similarly, any decision of the Training Officer to use the services of a vendor for training would be reviewed by the Director, Human Resources Administration and the Senior Director of Administration, the latter also designated.

Law Clerk is a research-type position, gathering information for judicial officers. Because of the size of the Court, we employ 30 to 40 at any one time. The nature of the position is such that incumbents often view it as temporary employment and frequently stay with the Court only a short time before accepting other employment. As a result, a great deal of paperwork (entering/leaving statements) is generated. Supervising Law Clerk also is a research position reporting to a supervising judge. We have only three of these positions.

To assist you in reviewing the responsibilities of these positions, I've enclosed class specifications for each and an organization chart showing the reporting relation of the Associate Personnel Administrator and the Training Officer. Law Clerks, of course, report to the assigned judge.

Lastly, I've enclosed a copy of our current Conflict of Interest Code. We would appreciate your review of its contents and any suggestions you would care to make.

If you have any questions, please call Gordon Miller of my staff at (213) 974-5134.

Thank you for your assistance.

Sincerely,



Ginger Vadurro, Director  
Human Resources Administration

GV:GRM:ec  
Enclosures

LOS ANGELES COUNTY CLERK  
AND  
EXECUTIVE OFFICER OF THE SUPERIOR COURT

111 NORTH HILL STREET  
MAILING ADDRESS P.O. BOX 151  
LOS ANGELES, CALIFORNIA 90053

FRANK S. ZOLIN  
COUNTY CLERK / EXECUTIVE OFFICER

October 16, 1989

FPPC  
OCT 20 12 32 AM '89

Ms. Cheryl Hoff  
California Fair Political  
Practices Commission  
Legal Division  
428 J Street, Suite 800  
Post Office Box 807  
Sacramento, CA 95804-0807

Dear Ms. Hoff:

In revising the Court's Conflict of Interest Code/Appendix of Designated Employees to include new titles and recently established positions, we find four positions currently listed which we feel may be omitted. We do not believe that the decisions in which these positions would participate may foreseeably have a "material affect on any financial interest," as provided in Government Code Section 82019(c).

We would appreciate your advice on removing them.

The four positions are:

- Associate Personnel Administrator
- Training Officer
- Law Clerk
- Supervising Law Clerk

Both the Associate Personnel Administrator and the Training Officer are staff positions. They each supervise a small staff, but any major decision, such as one regarding the appointment or release of an employee, would be reviewed by their manager, the Director of Human Resources Administration, which is a designated position. Similarly, any decision of the Training Officer to use the services of a vendor for training would be reviewed by the Director, Human Resources Administration and the Senior Director of Administration, the latter also designated.

Law Clerk is a research-type position, gathering information for judicial officers. Because of the size of the Court, we employ 30 to 40 at any one time. The nature of the position is such that incumbents often view it as temporary employment and frequently stay with the Court only a short time before accepting other employment. As a result, a great deal of paperwork (entering/leaving statements) is generated. Supervising Law Clerk also is a research position reporting to a supervising judge. We have only three of these positions.

To assist you in reviewing the responsibilities of these positions, I've enclosed class specifications for each and an organization chart showing the reporting relation of the Associate Personnel Administrator and the Training Officer. Law Clerks, of course, report to the assigned judge.

Lastly, I've enclosed a copy of our current Conflict of Interest Code. We would appreciate your review of its contents and any suggestions you would care to make.

If you have any questions, please call Gordon Miller of my staff at (213) 974-5134.

Thank you for your assistance.

Sincerely,



Ginger Vadurro, Director  
Human Resources Administration

GV:GRM:ec  
Enclosures



# California Fair Political Practices Commission

November 9, 1989

Ginger Vadurro  
Director  
Human Resources Administration  
P.O. Box 151  
Los Angeles, CA 90053

Re: Letter No. 89-641

Dear Ms. Vadurro:

Your letter requesting advice under the Political Reform Act was received on October 20, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Cheryl Hoff, 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, we 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,

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

Kathryn E. Donovan  
General Counsel

KED:plh