



California Fair Political Practices Commission

February 22, 1991

A. Kay Vinson
220 E. Mt. View
Barstow, CA 92311

Re: Your Request for Advice
Our File No. A-91-041

Dear Ms. Vinson:

You have requested advice concerning your reporting obligations under the conflict of interest disclosure provisions of the Political Reform Act (the "Act").^{1/}

FACTS

As Municipal Records Administrator for the City of Barstow, you are designated in the city's conflict of interest code to file the Form 730 Statement of Economic Interests. Your husband works for Lockheed Support Systems Inc. which does not own real property, have an office, or sell products or services in Barstow. The corporation does purchase nominal supplies in Barstow.

QUESTION

Are you required to disclose your community property interest in the income received by your spouse from Lockheed Support Systems Inc.?

CONCLUSION

You must report your community property interest in your spouse's income if the source of the income is of the type required to be disclosed by your disclosure category and if the source of income is located in or does business in your

^{1/}Government Code Section 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.

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jurisdiction. Because Lockheed Support Systems Inc. purchases supplies in your jurisdiction, it is doing business in your jurisdiction for purposes of the Act.

ANALYSIS

Section 82030 defines "income" of an official to include "a payment received ... including any community property interest in the income of a spouse."

A source of income is located in or does business in your jurisdiction if it or any parent, subsidiary or otherwise related entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction during the two years prior to the time any statement is required. (Section 82030(a).)

Section 82035 defines "jurisdiction" as "... the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction...."

If an entity has business contacts within a jurisdiction, there is a potential for conflict of interests and therefore justification for requiring disclosure of the official's interest in that entity. (In re Baty (1979) 5 FPPC Ops 10, copy enclosed.) An entity which makes regular or substantial purchases in a jurisdiction has sufficient business contacts to constitute "doing business" in the jurisdiction. Therefore, based upon the information provided in your request for advice, Lockheed's purchases of supplies in your jurisdiction mean that Lockheed is doing business in your jurisdiction. You are thus required to disclose your community property interest in the income received by your spouse from Lockheed.

If you have any questions or need further assistance, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



by: Colleen McGee
Political Reform Consultant
Technical Assistance and
Analysis Division

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January 14, 1991

Ms. Colleen McGee
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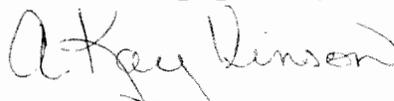
Dear Ms. McGee:

I am writing to inquire if it is necessary to report my community interest in my spouse's income since his employer is not located in or doing business in Barstow's jurisdiction. I am a designated 730 filer as Municipal Records Administrator of the City of Barstow. I am also an elected City Clerk, however, that is not a designated position. The facts are as follows:

1. My husband works for Lockheed Support Systems, Inc. 12 miles outside the City limits at Daggett Airport.
2. Lockheed Support Systems contracts with the U.S. Government to repair Army helicopters from Ft. Irwin, CA, 45 miles from the City.
3. Lockheed Support Systems or its parent company, Lockheed, owns no property in the city's jurisdiction. Personal property is owned at the airport, 12 miles from the city. And real property is owned by the parent company at Helendale, approximately 20 miles from the city.
4. The only business Lockheed does in the jurisdiction is the purchase of nominal supplies as the government contractor with government monies. No business is obtained in the jurisdiction nor is there any office in the jurisdiction.

Your written response will be appreciated.

Sincerely yours,



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