



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

December 22, 2009

Dennis Batchelder

REDACTED

**Re: Advisory Letter
FPPC Case No. 07/523; Dennis Batchelder**

Dear Mr. Batchelder:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")¹. As you may be aware, the Commission received a complaint against you alleging violations of the reporting and conflict of interest provisions of the Act. Specifically, the complaint alleges that while serving as Labor Relations Negotiator under contract with the Department of Personnel Administration, you failed to disclose income you received as an administrator for the California State Managers and Supervisors Association and as a trustee for the California Association of Highway Patrolmen's Disability Trust. The complaint also alleged that you failed to file your Assuming Office Statement of Economic Interests on time. In addition, the complaint charged that you violated the conflict of interest provisions of the Act by negotiating labor contracts between the State of California and the California Correctional Peace Officers Union while acting as administrator for the California State Managers and Supervisors Association.

Under the Act, a designated employee, as defined in section 82019, subdivision (a), of the Act and in the Department of Personnel Administration's Conflict of Interest Code, is required to file an annual Statement of Economic Interests ("SEI") by April 1st of each year that the employee remains in office. On the SEI, each designated employee must disclose reportable economic interests that he or she held during the preceding calendar year, according to specified disclosure categories incorporated into the Department of Personnel Administration's Conflict of Interest Code. Your position, Consultant, was assigned disclosure pursuant to the broadest disclosure category requirements under the Conflict of Interest Code. Under this category, you were required to disclose "income from any California State employee organization."

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

As a result of our investigation, we did not find evidence to indicate a conflict of interest, however, we discovered two sources of income that were not disclosed even though they were required to be disclosed on your SEI. Section 87209 requires the disclosure of all business positions. Positions with state employee associations are not considered business positions under the Act. However, when a state employee association is a source of reportable income, both the *position* and the income must be reported. Although you had a non-delegable duty to understand and abide by the provisions of the Act, we are not moving forward with this matter based on the specific facts of this case. These include the fact that you filed your Assuming Office SEI before being contacted by the Commission and timely filed all subsequent SEIs; and the fact that you reported your income on your SEI. The Commission has decided to close this case with this advisory letter.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov. If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

Zachary W. Norton
Commission Counsel
Enforcement Division