



FAIR POLITICAL PRACTICES COMMISSION

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July 21, 2010

Nydia Patiño  
Records Coordinator  
City of Santa Cruz

REDACTED

RE: Advisory Letter  
FPPC Case No. 11-737; City of Santa Cruz

Dear Ms. Patiño:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act).<sup>1</sup> We recently received a complaint against you alleging that you and the City of Santa Cruz have violated the requirements regarding access to statements of economic interests required under the Political Reform Act of the Act.

Section 81008 is a specific provision governing the handling of reports and statements filed under the Act. It states:

Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours... No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not to exceed ten cents (\$ 0.10) per page. In addition, filing officers are permitted to charge a retrieval fee not to exceed five dollars (\$ 5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(Gov. Code § 81008(a).)

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<sup>1</sup> 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 18109 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.

The strong language used in Section 81008 (“no conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under the Act”) demonstrates the legislative intent to make these copies readily accessible to the general public. As discussed in an advice letter to a filing officer issued by the FPPC:

The Public Records Act gives members of the public the right to copy and inspect identifiable public records held by state or local government agencies, except the Legislature and the judicial branch. The Public Records Act covers a broad category of documents - basically any writing (hard copy, print, computer disks, etc.) held by a government agency. Exceptions are necessarily included in the statute exempting some documents from disclosure to protect the privacy of individuals and the confidentiality of ongoing agency investigations. In contrast, the documents that persons are required to file under the Political Reform Act - statements of economic interests, campaign statements and lobbying statements - are specifically designed to provide public disclosure.

(Anderson Advice Letter, No. I-00-167, emphasis added.)

After review of the complaint, we have decided to close this matter without commencing further action. The FPPC publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC’s Technical Assistance Division at 866-ASK FPPC. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

If you have questions regarding this matter, please contact me at (916) 322-8241.

Sincerely,

 REDACTED

Adrienne Korchmaros  
Political Reform Consultant  
Enforcement Division

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Enclosure

cc: John Colby  
John Barisone, City Attorney, City of Santa Cruz