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

August 9, 2010

Mike Segrest
Town Manager
Town of Moraga
REDACTED

RE: **Advisory Letter**
FPPC Case No. 10/689: Mike Segrest

Dear Mr. Segrest:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act") found in Government Code section 81000, and following.[1] As you may be aware, we recently received a complaint against you alleging that you violated the Act's provision that governs the handling of reports and statements filed under the Act. After review of the complaint, we have decided to close this matter without commencing further investigation.

Section 81008 states that all reports and statements filed pursuant to the Act are public records open for public inspection and reproduction, and that "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 such persons." Section 81008 permits members of the public to obtain reports and statements anonymously, so that they are not deterred from requesting particular reports or statements, out of fear that their request to see the document will be used against them by a government official or agency. Requiring a requestor to provide his or her name, information or identification, contradicts the specific language of Section 81008, and the policy of protecting the anonymity of requestors in viewing statements and reports filed under the Act. We believe that the statue specifically treating disclosure of statements filed as public records under the Act prevails over the more general provisions of the Pubic Records Act.

[1] The Political Reform Act is contained is 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.

In your agency procedures for handling requests for documents field under the Act, you should make clear that requestors are not required to identify themselves. However, if requestors choose to identify themselves, i.e., by leaving their name and address so you can mail the documents to them, this would not offend Section 81008.

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 tool-free at 866-275-3772. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,

REDACTED

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr
Enclosure

cc: Mr. Gregory Enholm