

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

82019

July 30, 1976

Mr. Donald Anderson
Dooley, Martin, Anderson & Pardini
Thirty-third Floor, Transamerica Pyramid
600 Montgomery Street
San Francisco, California 94111

76-263

Dear Mr. Anderson:

I have been asked to respond to your letter of July 16, 1976, requesting an opinion from this office with regard to your income reporting requirements as a member of the Contra Costa County Planning Commission. I hope that the following informal remarks will be of assistance to you in resolving your questions. All citations are to the California Government Code.

The Contra Costa County Planning Commission, a local government agency under §82041 of the Political Reform Act, is required, pursuant to §87300, to adopt a Conflict of Interest Code. As a member of the Planning Commission, you will undoubtedly be a "designated employee" within the meaning of §§87302(a) and 82019(c). As a "designated employee" you will be subject to the disclosure provisions of the Conflict of Interest Code of the Planning Commission. The Code, however, pursuant to the standards for approval set forth in §87309(c), must tailor the scope of your disclosure to the powers and responsibilities of your position. Thus, the nature and scope of the disclosure to which you are subject will be determined by the provisions of your Conflict of Interest Code, the adequacy of which will be reviewed by your code reviewing body, the Contra Costa County Board of Supervisors.

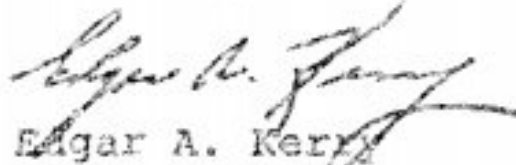
Whether, and to what extent, your income is reportable at all, given your specific powers and responsibilities as a Planning Commissioner, is up to your own Commission to determine when writing its Code, using the guidelines for determining "reportable" income, established in §87302. When and to the extent income is required to be reported, you then apply the specific provisions of §87207, taking into account that reportable business entity income, under §87207(b), is required to be reported only when an individual, pursuant to §82030(a), owns, directly, indirectly or beneficially, a ten percent interest or more of a business entity or trust.

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Based on the facts presented in your letter, it seems highly unlikely that you would be required to disclose income over \$1,000 received from individual clients. In the event, however, that you represent a client who, foreseeably, could be materially affected by any decision made or participated in by yourself, as a "designated employee" of the Contra Costa Planning Commission, you would be required to disclose income over \$1,000 from that client.

I hope that these informal comments will be of assistance to you in resolving your reporting questions.

Sincerely,


Edgar A. Kerry
Staff Attorney
Conflicts of Interest
Division

EAK/g

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July 16, 1976

Fair Political Practices Commission
1100 "K" Street
Sacramento, CA 95814

Attention: Mr. Del Spurlock

Dear Mr. Spurlock:

I am a member of the Contra Costa County Planning Commission and hereby respectfully request a letter of opinion from your office, pursuant to our conversation of March 13, 1976.

My situation is this: I am a member of a law firm in San Francisco which is an overhead partnership; in other words, we all contribute to secretarial salaries, rent, equipment, supplies, etc., on a pro rata basis. The income we receive from our respective clients is all our own, not divided among the partners.

Although I have tried a few cases in Contra Costa County, to my knowledge I have no business clients in that county who have any business with Contra Costa County, with the Planning Department or before the Commission. I represent businesses which are in the Cities of San Francisco, San Mateo and San Jose, but none of them has any business before the Planning Commission. As I advised you, I represent several commercial collection agencies which represent and have as their clients businesses which undoubtedly do business with Contra Costa County, such as Moore Business Forms, Kaiser Sand & Gravel, and insurance companies such as Fireman's Fund and Argonaut. But, as I say, I represent the collection agencies which in turn are clients of the aforementioned businesses. Occasionally I am brought in to represent these businesses on a cross-complaint, but it is only on a nominal basis and generally I have never received a fee of over \$500 for representing various clients like that on a cross-complaint.

In light of our conversation I think it would be appropriate that I naturally put down an income of over \$10,000 from the law firm, but I don't think I need to list individual clients.

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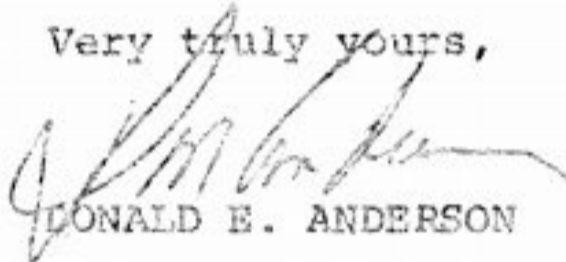
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As I mentioned to you, I did have one case representing a mobile home concern in Contra Costa County which, although they don't do any business with that county, I think I will report as a source of income of over \$1,000.

If you need more detail for an opinion letter so that I do not have to list all my clients who pay over \$1,000, I will be happy to supply it.

Thank you for your courtesies in this matter.

Very truly yours,



DONALD E. ANDERSON

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