

76-299

June 17, 1976

Mr. David M. Hinman
Counsel
Franchise Tax Board
Post Office Box 1468
Sacramento, California 95807

Dear Mr. Hinman:

I have been asked to reply to your letter of May 27, 1976, regarding certain provisions of the Franchise Tax Board's Conflict of Interest Code. You indicate that a provision of the Code prevents an employee from "engaging in any legal work for compensation". Please be advised that the prohibition which you cite is not a part of the Conflict of Interest Code of the Franchise Tax Board, but is, in all probability, a provision of the Franchise Tax Board's Incompatibility Statement, covering all of its employees. As such, this prohibition is not within the purview of the Conflict of Interest Code which must be submitted to the Fair Political Practices Commission for review, under Government Code §87300 et seq.

Sincerely,

Delbert L. Spurlock, Jr.
Chief, Conflicts of Interest
Division

DLS:gb

Del

5/27/76

Fair Political Practices Commission
1100 K Street
Sacramento, CA 95814

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Gentlemen,

One of the activities specifically prohibited by the Franchise Tax Board's conflict of interest code is ... 4. Engaging in any ... legal ... work ... for compensation. I have been informed that attorneys who work for other departments are allowed to engage in outside practice ranging from legal research to actual casework, depending on the department. Is it fair to deny this right to employees of the Franchise Tax Board even though the legal work involved may have nothing to do with taxation (and will be done on the employee's own time)?

Very Truly yours,
David M. Hirman
Counsel
Franchise Tax Board