

State of California



A-77-291
Fair Political Practices Commission

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

Technical Assistance/Administration
(916) 322-5660

••• Executive/Legal •••
322-5901

••• Enforcement •••
322-6441

••• Conflict of Interest
322-6444

October 19, 1977

Mr. Ralph Faust
Executive Secretary
Agricultural Labor Relations Board
915 Capitol Mall, Room 335
Sacramento, California 95814

Re: Filing of Statements of Economic Interests of Designated
Employees Under the Conflict of Interest Code of the ALRB

Dear Mr. Faust:

This is in response to your letter to me dated 10 October 1977. After discussing the referenced matter with the full staff, we have come to the following conclusion which we believe will resolve your agency's (and others similarly situated) problem.

Initially, let me point out one apparent misunderstanding in your letter. Since the ALRB's Code becomes effective on October 27, 1977, statements filed by designated employees not later than November 26, 1977, should reflect the reportable investments and interests in real property held by those employees as of the effective date of the Code (October 27), not as of the exact date of filing. If you check the terms of your Code you'll see that this is the case. Accordingly, the "period covered" by any subsequent statement, whenever required to be filed, will be the period from October 27, 1977, until the closing date of the statement in question.

With this caveat, we next address your main concern. The Commission has previously adopted a regulation dealing with a problem analogous to the one you present as it affects persons required to file Statements of Economic Interests pursuant to Government Code §87200. That regulation provides, in relevant part:

Ralph Faust
October 19, 1977

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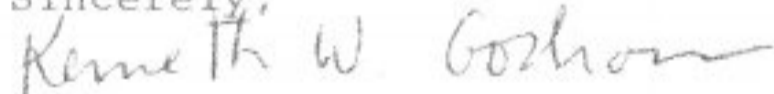
"If a person assumes an office specified in Government Code §87200 between October 1 and December 31 and files a Statement of Economic Interests pursuant to Government Code §87202, that person need not file a Statement of Economic Interests pursuant to §87203 until one year later than the date specified in subsection (b)."

--2 Cal. Adm. Code §18723(c)

By its express terms the regulation only applies to persons filing pursuant to §87200, and not those filing pursuant to a Conflict of Interest Code adopted pursuant to §87300, et seq. As currently applied, the majority of the staff does not feel the regulation can be interpreted to excuse an annual filing by designated employees in the manner suggested by your letter. However, since it was unanimously agreed by the staff that the spirit of the Act and the regulation would be served by complying with your request, we have determined to amend the regulation in an emergency fashion at the Commission meeting of November 1-3. The amended regulation will specifically allow agencies to follow the course of conduct suggested in your letter, and will be effective in time for your agency to take advantage of its provisions.

I trust this answers your question. Thank you for writing. I will keep you informed of the progress of the events referred to.

Sincerely,



Kenneth W. Goshorn
Research Specialist III
Conflicts of Interest Division

KWG:glb

AGRICULTURAL LABOR RELATIONS BOARD

915 Capitol Mall, Room 335
Sacramento, Ca 95814
(916) 322-4612



October 10, 1977

Fair Political Practices Commission
Mr. Kenneth Goshorn
P.O. Box 807
Sacramento, California 95804

Re: ALRB Conflict of Interest Code-1977 Annual Statement

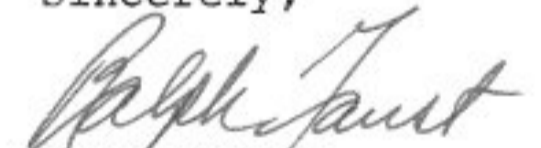
Dear Mr. Goshorn:

As per your telephone conversation with Nancy Destefanis of this office, I am writing to request that the Commission waive the requirement that ALRB employees file a 1977 Annual Statement of Economic Interests.

The ALRB filed its Conflict of Interest Code with the Secretary of State on September 27, 1977; it becomes effective on October 27, 1977 and all designated employees must comply by November 26, 1977. Since the 1977 Annual Statement would cover only a 35 day period, i.e., the period between November 26, 1977 and December 31, 1977, I am requesting that the 1977 Annual Statement be waived. If this is acceptable, our employees would file their 1978 Annual Statement for the period, November 26, 1977 through December 31, 1977.

I look forward to hearing from you.

Sincerely,


RALPH FAUST
Executive Secretary

ND:tr
cc: Chairman Brown
Nancy Destefanis