

# Memorandum

To : File

Date : Feb. 2<sup>2</sup>, 1977

82030.

77-02-152

From : FAIR POLITICAL PRACTICES COMMISSION  
Ken Finney

Subject: Telephone conversation with Justice Molinari.

Justice Molinari called to inquire about the disclosure of certain interests on his Statement of Economic Interests. First, he asked about a real estate investment which he has jointly with other individuals. He wondered whether the arrangement would have to be disclosed as an investment with the other individuals and then list the real estate as one of the investments of the "entity" in which he participates with the other individuals. I stated that I thought it would be appropriate to merely disclose the real estate interest and to not indicate an investment. The arrangement with the other individuals is informal and does not seem to me to constitute an organization or entity operated for profit and, hence, is not a business entity. To the contrary, it seems that the Justice merely has a one-third interest in real estate and that he should disclose it in that fashion.

The Justice also inquired whether he would have to disclose the interests of a trust in which his wife is the beneficiary. He stated that his wife has her interest as her separate property and that he has no interest in the income she receives as a beneficiary. I stated that he would not have to disclose the income that she receives as a beneficiary because he has no community property interest in that income.

The Justice also inquired about a deed of trust held by his wife and whether this would occasion any disclosure obligation. I stated that the deed of trust created an interest in real property and that if the value exceeded \$1,000 it would be disclosable since all interests in real property and investments of his wife must be disclosed. I cited Section 82029.

Finally, the Justice wondered whether his position as a trustee holding legal title but not having any beneficial interest with respect to a trust would occasion a disclosure obligation. I indicated that he would have to disclose the investments of the trust. However, I later checked and determined that my advice

2.15

File  
P.2  
Feb. 23, 1977

with respect to this question was wrong. Accordingly, I will call the Justice back to correct the advice and indicate that by merely being a trustee and nothing else he does not incur a disclosure obligation with respect to the investments of the trust.

KF:jo

*I called on Feb. 23, 1977  
and gave the court  
advice.*