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State of California



Fair Political Practices Commission

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

May 10, 1977

77-05-156

Honorable David R. Baty
Judge of the Municipal Court
Marin County Hall of Justice
San Rafael, CA 94903

Re: Opinion Request No. 77-011

Dear Judge Baty:

Thank you for your letter of April 25, 1977, in which you request an opinion from the Commission concerning your obligation to disclose certain assets on your Statement of Economic Interests. This is to inform you that the Commission will issue an opinion in response to the first two questions you pose concerning whether a pharmaceutical manufacturer and a rubber company have sufficient contacts with California to satisfy the jurisdictional requirements of Government Code Section 82034 and to obligate you, therefore, to disclose the common stock you hold in those entities. The Commission reserves the right to request additional information which the Commission or its staff deems relevant to the preparation of the opinion. A proposed draft opinion will be prepared by the staff for presentation to the Commission and a copy of this draft opinion will be forwarded to you as soon as it is available.

This is to confirm your telephone conversation of May 2, 1977, with Michael Baker of our staff in which you indicated that you no longer wish an opinion respecting the third example you pose. With respect to the fourth example concerning a promissory note executed by a husband and wife and secured by a deed of trust to unimproved real property, your inquiry does not raise a substantial question under the Act and, therefore, no opinion will be issued. However, I hope the following informal advice will prove helpful. In your telephone conversation with Mr. Baker you indicated that you and your wife were joint payees on the promissory note. This interest is required to be disclosed as an interest in real property under Sections 87203 and 82033. In addition, any

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payments that you receive on the promissory note must also be disclosed as income (Section 82030). Disclosure is required if half of the income received, representing your community property share, equals \$250 or more.

If you have any questions, please contact Michael Baker, Chief of the Commission's Legal Division.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bennett", with a long, sweeping horizontal line extending to the right.

Michael Bennett
Executive Director

MB:MJB:jo