

87200

# State of California



# Fair Political Practices Commission

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July 19, 1977

A-77-353

Frank S. Zolin  
 Executive Officer  
 The Superior Court  
 Los Angeles, California 90012

Dear Mr. Zolin:

This is in response to your letter of 8 July 1977, requesting an interpretation of certain sections of Article 2 of Chapter 7 of the Political Reform Act of 1974, as amended, Government Code §87000, et. seq., as they apply to persons assuming the office of Judge of the Superior Court. You have not asked for a formal opinion of the Commission issued pursuant to Government Code §83114(a) and because we do not believe your question presents a substantial question of interpretation, the Executive Director has authorized me to interpret the cited provisions with written advice issued pursuant to §83114(b) and 2 Cal. Adm. Code §18329.

Your specific question asks, in essence, whether the provisions of Government Code §87202 apply to a person assuming the office of Judge of the Superior Court when such person has previously held the office of Judge of a Municipal Court (a court of record within the meaning of §87200) and has previously filed a statement of economic interests in his previously capacity in a timely fashion. We conclude that a re-filing of such statement is unnecessary; that such a statement is contemplated by and controlled by the provisions of §87205(b); and that such a person's next obligation to file a statement of economic interests is set forth in §87203.

§87205(b) provides:

"... (b) A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office. The day on which the new term begins shall be deemed an anniversary of assuming the office."

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§82035 defines "jurisdiction" as "the state with respect to any state agency". Judges of all courts of record covered by the provisions of §87200 have been and shall continue to file statements of economic interest on a statewide jurisdictional basis. Accordingly, the statement filed by a person in his capacity as a Municipal Court Judge would be exactly the same as that he (she) would file as a Judge of the Superior Court. It was precisely such situations that §87205(b) contemplated. Therefore, it is our interpretation that, consistent with the aims of the statute, the word "jurisdiction" in §87205(b) means the "jurisdiction" of the area covered by the required filing of the statement of economic interests in the two offices, not the jurisdiction of the courts involved. Accordingly, a Judge of a Municipal Court appointed Judge of the Superior Court need not re-file such a statement "not less than ten days prior to assuming office".

In light of this interpretation, I do not feel it necessary to comment on your suggested need for a statutory revision. Your suggestion will be noted to the Commission.

Thank you for writing. I trust this resolves your situation. If I can be of further assistance in this or any other matter, please feel free to call on me at (916) 322-6444.

Sincerely,

*Kenneth W. Goshorn*

Kenneth W. Goshorn  
Research Specialist III  
Conflicts of Interest Division

KWG:mfa

cc: Anthony Cline,  
Legal Affairs Secretary  
Office of the Governor (Attn: David Rosenberg)

# The Superior Court

LOS ANGELES, CALIFORNIA 90012  
FRANK S. ZOLIN, EXECUTIVE OFFICER

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TELEPHONE  
(213) 974-5401

July 8, 1977

Mr. Ken Goshorn  
Fair Political Practices Commission  
1100 "K" Street  
Sacramento, CA 95814

Dear Mr. Goshorn:

This letter summarizes our telephone conversation regarding proper interpretation of Government Code Section 87202. This section requires that "every person who is appointed to an office specified in section 87200 (which includes judges of courts of records) shall file such a statement (disclosing investments and interest in real property) not less than ten days prior to assuming office."

A literal interpretation of this section creates severe operating problems for our court because approximately 50% or more of the judges appointed to this court are elevated from the municipal court. Strict interpretation of this section would indicate that a municipal court judge who has already filed financial disclosure statements as required by law must file an additional statement and wait ten days before assuming office. For obvious reasons the new appointee and the court desire that the new judge assume office as soon as possible. The ten day delay merely to comply with section 87202 does not seem to be practical or reasonable.

To rectify this problem in the future, I would suggest that you consider amending 87202 to provide that persons who hold an office mentioned in 87200 shall file such a statement (disclosing investment interests, perhaps even income) within 30 days after assuming a new office specified in section 87200.

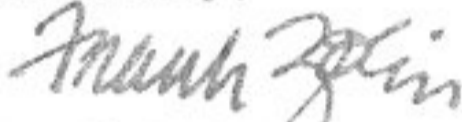
In any event, I would like an official interpretation from your office regarding section 87205, subsection b. It appears that this section can be interpreted in a manner which would authorize the immediate assumption of a superior court judgeship by an elevated municipal court judge if the municipal court judge had filed the appropriate statement disclosing all investments or interests in real property within the jurisdiction of the State of California.

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An early response interpreting these sections and the obligation of a municipal court judge elevated to the superior court would be greatly appreciated. This situation arises quite frequently and I see no practical purpose by delaying the assumption of office for ten days considering the fact that municipal court judges have filed financial disclosure statements.

If you have any questions or I can provide you with additional information regarding the practical problems resulting from these code sections, please don't hesitate to call me.

Sincerely,



Frank Zolin  
Executive Officer

FZ:ch

cc: Tony Kline  
Legal Affairs Secretary