

87100

# State of California



## Fair Political Practices Commission

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

Technical Assistance-Administration	•••	Executive-Legal	•••	Enforcement	•••	Conflict of Interest
(916) 322-5660		322-5901		322-6441		322-6444

April 6, 1978

Jack E. Frankel  
 Executive Officer  
 Commission on Judicial  
 Performance  
 3018 State Building  
 San Francisco, CA 94102

78-04-065

Dear Mr. Frankel:

The Fair Political Practices Commission has received your letter dated March 28, 1978, requesting an opinion or letter of advice on whether the Commission on Judicial Performance ("Commission") is covered by the provisions of the Political Reform Act ("Act"). Since your letter does not present a substantial question of interpretation, we are responding by a letter of advice rather than a formal opinion.

With the exception of the disclosure requirements imposed on judges of courts of record by Government Code Section 87200<sup>1/</sup>, the provisions of the Act do not apply to "the courts or any agency in the judicial branch of government." Section 82049.

From a review of the constitutional provisions establishing the Commission, Article VI, Sections 8 and 18, as well as a cursory reading of several cases involving the Commission, we conclude that the Commission is an agency in the judicial branch of government. Consequently, it is not covered by the Act. Specifically the Commission is not an "agency" within the meaning of the Act. Sections 82003 and 82049. Accordingly, the Commission is not required to adopt a Conflict of Interest Code. Section 87300. Similarly, the members and employees are not "public officials," Section 82048, and are not subject to the general disqualification provisions set forth in Sections 87100, et seq. Of course, members of the Commission who are judges of courts of record are required under

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<sup>1/</sup> All further statutory references are to the Government Code.

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Jack E. Frankel  
Page Two  
April 6, 1978

Section 87200<sup>2/</sup> to file Statements of Economic Interests disclosing income, interests in real property and investments.

This letter constitutes written advice pursuant to 2 Cal. Adm. Code Section 18329. If you have any questions, please feel free to contact me.

Sincerely,

*Barbara Campbell*

Barbara Campbell  
Counsel  
Legal Division

BC:jo

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<sup>2/</sup> When the Act was approved initially in 1974, there was no requirement in Section 87200 that judges file Statements of Economic Interests. That requirement was added by the Legislature in 1976. (Stats. 1976, Ch. 129.)

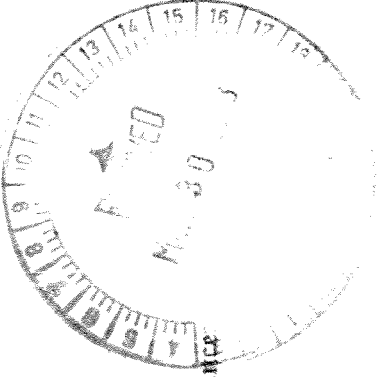
JUSTICE BERTRAM D. JONES  
CHAIRMAN

JACK E. FRANKEL  
EXECUTIVE OFFICER



State of California  
Commission on Judicial Performance

3018 State Building  
San Francisco, California 94102  
557-0686



March 28, 1978

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, California 95814

Gentlemen:

The Commission on Judicial Performance requests an opinion or letter of advice as to whether the Commission is covered by the Political Reform Act. The Commission is established pursuant to California Constitution Article VI, Sections 8 and 18. A list of cases to which we are a party is attached.

Very truly yours,

A handwritten signature in cursive script that reads "Jack E. Frankel".

JACK E. FRANKEL

JEF:d1

Enclosure