

82030

# 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) 322-5662 322-5660 322-5901 322-6441 322-6444

October 6, 1978

78-10-084

Melvin Shapiro  
3701 - 7th Street  
San Diego, CA 92103

Dear Mr. Shapiro:

Thank you for your letter of October 4, 1978, inquiring about the requirement of the Political Reform Act that attorneys disclose the names of their clients from whom they have received \$1,000 or more.

Government Code Sections 82030 and 87207 require an attorney who owns 10% or greater interest in his law firm to disclose the name of every person who paid fees to the firm if the attorney's pro rata share of fees from such person equals or exceeds \$1,000. The requirements of Sections 82030 and 87207 are not directly applicable to planning commissioners, but if a planning commissioner is covered by a Conflict of Interest Code, it is likely that the code contains a disclosure requirement identical to or quite similar to the provisions of Sections 82030 and 87207.

The legality of client disclosure is currently in litigation in a case called Hayes v. Wood (S.F. No. 23830). The case was argued before the California Supreme Court on September 7, 1978, and a decision from the court is expected within the next few months. The Hayes v. Wood case raises two basic issues: first, whether attorneys can be required to disclose clients at all; and, second, if they can be required to disclose clients, can the threshold for disclosure of clients be lower for attorneys than it is for persons who engage in other businesses. This second issue arises because Section 87207 requires disclosure at the \$1,000 level only for attorneys and brokers. All others must disclose clients or customers only at a \$10,000 level.

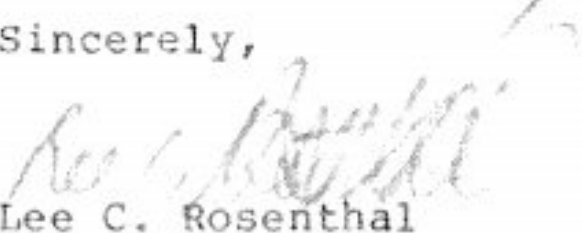
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As far as enforcement authority is concerned, district attorneys and elected city attorneys are the civil and criminal prosecutors for violations of the Political Reform Act at the local level. See Government Code Sections 91001, 91001.5. In addition, any person residing in the relevant jurisdiction may bring a civil action to vindicate reporting violations of the Act. Government Code Sections 91003, 91004. However, if civil damages are sought, the plaintiff must first make a demand on the civil prosecutor to bring suit. Government Code Section 91007.

Thank you for your interest in the conflict of interest provisions of the Political Reform Act of 1974. If I can be of any further assistance, please do not hesitate to call me.

Sincerely,



Lee C. Rosenthal  
Director  
Legal Division

LCR:plh

ALVIN SHAPIRO  
3701 7TH STREET  
SAN DIEGO, CAL.  
92103

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October 4, 1978

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Lee Rosenthal  
Fair Political Practices Commission  
PO Box 807  
Sacramento, Ca. 95814

Dear Mr. Rosenthal,

Concerning the Statement of Economic Interests filed by designated employees, has the legality of the provision for disclosure of attorney's clients been determined? Must attorneys disclose names of clients from whom they have received \$1000?

If these provisions are legal, who is the enforcing agent in the case of a city planning commissioner who does not comply?

Any other information you can supply on the above will be appreciated.

Sincerely,

*Alvin Shapiro*