

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 • • Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

October 16, 1981

Lawrence M. Moniak
Planning Commissioner
9060 Kaiser Court
Fontana, California 92335

A-81-10-065

Dear Mr. Moniak:

Patricia Murray, City Clerk, City of Fontana, has forwarded your Statement of Economic Interests to this office along with a request for advice on your behalf. According to Ms. Murray, you have objected to completing Schedule H of your Form 721, because you feel that disclosure of the names of your customers would be a violation of their privacy rights. Section 87207(b) of the Government Code provides that you must report the names of all customers of any business in which you own a ten percent or greater share, if your pro rata share of the gross receipts from the customer is \$10,000.00 or more during a calendar year. It is this provision which you claim violates your customers' rights of privacy.

The California Supreme Court has considered the question of whether the financial disclosure provisions of the Political Reform Act violate the constitutional rights of privacy of persons filing statements, or of persons or businesses whose names must be listed on statements as sources of income to the filers of those statements. The court has held that such disclosure may be required under the Political Reform Act, without violating constitutional rights. See Hayes v. Wood, (1979) 25 Cal.3d 772; County of Nevada v. McMillen, (1974) 11 Cal.3d 662. Therefore we cannot excuse you from the requirement of Section 87207 of the Act, and must require you to file Schedule H.

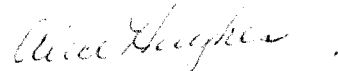
Enclosed is a supplemental Schedule 721-H, Income to Business Entities, which should be completed and sent to the City Clerk who will retain a copy and forward the original to the Commission.

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With regard to your city clerk's request for waiver of a fine for late filing your Statement of Economic Interests which was due April 1, 1981, and according to guidelines approved by the Fair Political Practices Commission and in light of all information available to the staff, your fine is hereby waived. The Commission expects that you will make every effort to file promptly in the future.

Please call me at (916) 322-6444 if you have any questions regarding this matter.

Sincerely,



Alice Hughes
Documents Examiner

AH:jp
Enclosures
cc: City Clerk