

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

September 2, 1981

Marshall L. McIntyre
P.O. Box 5189
Hemet, CA 92343

A-81-09-115

Re: Form 721, Statement of
Economic Interests

Dear Mr. McIntyre:

Your incomplete Form 721 has been referred to this office for our review. You have failed to report sources of income to you as an appraiser. On Schedule H you have asserted a privilege against disclosure based on the Code of Ethics of three professional organizations.^{1/} In and of themselves, these do not constitute "a legally recognized privilege under California law."^{2/} Unless you have further legal evidence to support your claim, I must advise you that the privilege which you assert is nonexistent.

If you do have further legal evidence, then I would suggest that you follow the procedures set forth in 2 Cal. Adm. Code Section 18740. However I would also like to remind you that sources of income to a business entity are only reportable where your pro rata share of the gross income equals or exceeds \$10,000 during the year.^{3/} However, you would have to list your business as a source of income if

^{1/} The American Society of Appraisers, American Institute of Real Estate Appraisers, and the Society of Real Estate Appraisers.

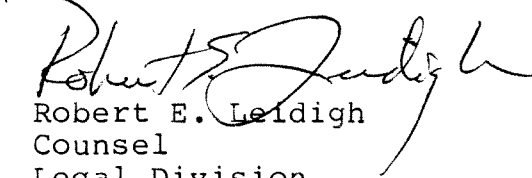
^{2/} See our regulation, 2 Cal. Adm. Code Section 18740, copy enclosed.

^{3/} For a detailed analysis on this issue see the Commission's Opinion No. 76-087, requested by Scott T. Carey, issued Nov. 3, 1977, copy enclosed. Remember disqualification is required where your pro rata share is \$250 or more in the twelve month period preceding the decision.

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you receive more than \$250 from it during the year. Obviously, if you are sole proprietor, then income to the business is income to you and you must^{4/} report anyone who paid you \$10,000 or more during the year.^{4/}

Sincerely,


Robert E. Leidigh
Counsel
Legal Division

REL:plh
cc: Edward J. Rodeghier
Enclosures

^{4/} See Government Code Section 87207(b)(3), copy enclosed.