



California Fair Political Practices Commission

January 29, 1990

Honorable Paul A. Woodruff
California State Assembly
State Capitol
Sacramento, CA 94249-0001

Re: Your Request for Informal
Assistance
Our File No. I-89-694

Dear Assemblymember Woodruff:

This is in response to your letter requesting advice regarding the disclosure responsibilities of the members of the Department of Education's Textbook Adoption Committee under the conflict-of-interest provisions of the Political Reform Act (the "Act").^{1/} Since your letter requests advice regarding the duties and responsibilities of a committee for which you are not a member, we consider it to be a request for informal assistance pursuant to Regulation 18329.^{2/} This letter also serves to confirm telephone advice given to Jim Richardson of your staff on January 22, 1990.

QUESTION

You have asked if members of the Department of Education's Curriculum Development and Supplemental Materials Commission are required to file statements of economic interests. If the commission is required to file statements, you have further asked if the required disclosure is appropriate.

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 5 of the California Code of Regulations.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

CONCLUSION

The Curriculum Development and Supplemental Materials Commission (the "commission"), is designated in the conflict of interest code for the Department of Education and members of the commission file disclosure statements with the Department of Education. Based on a review of the duties of the Commission, the disclosure assigned appears appropriate.

FACTS

Your letter indicates that the Curriculum Development and Supplemental Materials Commission^{3/} limits the number of publishers who are able to market textbooks in the state. You believed the commission should be covered by a conflict of interest code because its decisions have a significant financial impact on the allocation of state funds.

DISCUSSION

Section 87300 et seq., requires every agency to adopt and promulgate a conflict of interest code which shall specifically enumerate the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. The code shall further set out the types of investments, income, real property and business positions reportable by those positions designated. The interests required to be disclosed are those interests which may foreseeably be affected materially by any decision made or participated in by the designated employee.

Since the commission may limit the number of publishers allowed to market textbooks in this state, textbook publishers are the type of financial interest which may be materially affected by the decisions of the commission. Thus, the types of financial interests which should be disclosed by the members of the

^{3/} Your letter did not provide the a copy of, or a reference to, the enabling legislation creating the Textbook Adoption Committee. The Department of Education's legal office advised that no such committee exists but perhaps the committee referred to in your letter is more appropriately known as the Curriculum Development and Supplemental Materials Commission. This was confirmed with Jim Richardson of your staff.

commission, would be investments, business positions and income^{4/} from textbook publishers.

The conflict of interest code for the Department of Education requires members of the commission to disclose investments, business positions and income in any business entity which is a publisher, manufacturer, or vendor of instructional materials, educational materials, or consulting services offered to educational institutions or libraries in the State of California, as well as any investment, business position or income from any private school in the State of California.


It appears the code appropriately requires the disclosure of those types of financial interests which could be affected by the commission.

The conflict of interest code for the Department of Education requires members of the commission to file their statements of economic interests with the Department of Education. These statements are public records, open to inspection, and copies may be obtained for \$.10 per page. (Section 81008.)

I hope this information is sufficient for your needs. If I can be of any further assistance, please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Jeanette E. Turvill
Political Reform Consultant
Legal Division

KED/JET/jt

^{4/} The definition of income includes gifts and loans. (Section 82030.)

STATE CAPITOL
SACRAMENTO, CA 94249-0001
(916) 445-7552



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ELECTIONS AND
REAPPORTIONMENT
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Assembly California Legislature

PAUL A. WOODRUFF

ASSEMBLYMAN, SAN BERNARDINO COUNTY
REPUBLICAN CAUCUS SECRETARY

December 12, 1989

Kathy Donovan, General Counsel
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Donovan:

I would appreciate some information regarding the oversight of the Department of Education's Textbook Adoption Committee.

Current law requires all public officials who have discretionary authority over the allocation of state funds to file conflict of interest statements. Although the Textbook Adoption Committee does not directly oversee the awarding of such funds, it does limit the number of publishers who are able to market textbooks in the state. Thus its decisions have a significant financial impact on the allocation of state funds.

My questions are as follows:

1. Are the members of this Committee required to file conflict of interest forms with your office?
2. If not, are they required to file a conflict of interest statement with any other office? If so, with whom? How effective do you feel that these requirements are?

I would appreciate receiving this information by January 19, 1989. If you have any questions, please contact Jim Richardson in my Capitol office @ 5-7552.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Woodruff".

PAUL A. WOODRUFF

PAW: jr

RECEIVED
DEC 13 1989
OFFICE OF THE
CLERK OF THE
ASSEMBLY



California Fair Political Practices Commission

December 20, 1989

Honorable Paul A. Woodruff
Member of the Assembly
State Capitol
Sacramento, CA 94249-0001

Re: Letter No. 89-694

Dear Assemblyman Woodruff:

Your letter requesting advice under the Political Reform Act was received on December 14, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill, in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, we will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
General Counsel

KED:plh