



California Fair Political Practices Commission

March 3, 1992

Robert E. Leidigh
Olson, Connelly, Hagel,
Fong & Leidigh
300 Capitol Mall, Ste. 350
Sacramento, CA 95814

Re: Your Request for Informal
Assistance
Our File No. I-92-72

Dear Mr. Leidigh:

You have requested advice concerning the conflict of interest disclosure provisions of the Political Reform Act (the "Act").^{1/} Because your question is general in nature and you have not indicated that you are seeking advice on behalf of a specific person with duties under the Act, we treat your letter as a request for informal assistance pursuant to Regulation 18329(c)(3).^{2/}

QUESTION

If a public official has made a personal loan to his or her campaign committee and subsequently receives loan payments from the committee, must the official disclose the payments, including any interest received, on his or her statement of economic interests?

CONCLUSION

Loan payments and interest received by a public official are income under the Act and must be disclosed on the official's statement of economic interests.

^{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 6 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. (Section 83114; Regulation 18329(c)(3).)

ANALYSIS

The Act's conflict of interest provisions require state and local public officials to file periodic personal financial disclosure statements reporting, among other things, income received. (Sections 87200-87313.) The definition of "income" includes "payment of indebtedness received by the filer." (Section 82030.)

Therefore, a public official who makes a loan to his or her campaign committee and receives repayment of the loan must disclose the repayment on his or her statement of economic interests. Any interest received must also be disclosed.

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Scott Hallabrin
Acting General Counsel

Carla Wardlow

By: Carla Wardlow
Acting Division Chief
Technical Assistance and
Analysis Division