

August 7, 1998

Office of County Counsel
William Murano
Lassen County Counsel
221 South Roop Street, Suite 2
Susanville, CA 96130

**Re: Your Request For Advice
Our File No. I-98-030(a)**

Dear Mr. Murano:

This is in response to your letter of May 4, 1998, on behalf of County Public Defender Thomas Anderson, requesting reconsideration of our previous advice regarding the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

In our February 23, 1998, letter to Mr. Peter Bianchi, Deputy Public Defender (copy enclosed), we confirmed the written advice that the Commission recommends the position of Deputy Public Defender be included in the Lassen County Conflict of Interest Code. (*Nagel* Advice Letter, No. A-97-466, and *Bianchi* Advice Letter, No. I-98-030.) You have submitted additional information that may modify those facts set forth in our initial advice. However, the subsequent facts do not alter our original conclusion.

As previously stated, the Commission can only offer *advice* regarding which employees should be designated under a county's conflict of interest code. (Section 87312.) Although we recommended that the Deputy Public Defenders be included in Lassen County's Conflict of Interest Code, this was a recommendation only, and not binding on the County or on the Board of Supervisors as the County's code reviewing body. The Board of Supervisors alone has the authority to determine what facts are used to reach their final determination.

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

Therefore, any facts that may support an amendment to the Lassen County Conflict of Interest Code should be addressed to the County Board of Supervisors.

If you have any questions on this matter, please feel free to contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel

By: Margaret E. Figeroid
Political Reform Consultant

Enclosure