



FAIR POLITICAL PRACTICES COMMISSION

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April 9, 1998

Robert P. Hoffman
Chief Counsel
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Post Office Box 806
Sacramento, California 95812-0806

**Re: Your Request for Advice
Our File No. A-98-084**

Dear Mr. Hoffman:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

May the Department of Toxic Substances Control include a signature block for supervisors on each Annual Statement of Economic Interests (Form 700)?

CONCLUSION

No. The Act does not require the signature of a supervisor on an employee's Form 700. Any amendment of a Commission form or appendix must be approved by the Commission and must apply to all filers.

FACTS

On March 3, 1998, the Department of Toxic Substances Control ("DTSC") sent out the Annual Statement of Economic Interests (Form 700) to all employees involved in making decisions that could foreseeably have a material effect on any of their financial interests.

In previous years, DTSC has not required that supervisors review these forms. This year

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

DTSC wanted to ensure that supervisors were aware of their employees' economic interests so as to avoid making assignments that pose a potential conflict for either the employee and/or DTSC. DTSC requested that supervisors review and sign the forms prior to submitting them. To reflect supervisory review, DTSC included a signature block for supervisors on the Form 700.

ANALYSIS

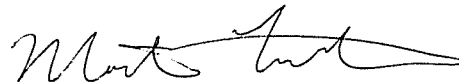
The Act does not require an employee's supervisor to review their employees' Form 700s or to sign their employees' Form 700s. However, in order to help ensure compliance with the Act, you would like supervisors to be aware of their employees' economic interests. To ensure supervisory awareness, you have included a signature block for supervisors on the Form 700.

While your motives may be admirable, and nothing in the Act prohibits DTSC from requiring employees to disclose their economic interests to their supervisor,² the Commission alone is the public agency charged with prescribing the forms required for statements required by the Act. (Section 83113 and Regulation 18313.) The Commission disapproves of anyone changing its forms or appendices or redefining a term included in the Act. (*Holland Advice Letter*, No. A-97-120.) Similarly, the Commission or any other code reviewing body may not approve an agency's conflict of interest code if the code requires more disclosure than is required by the Act. (*Otto Advice Letter*, No. I-98-058; *In re Alperin* (1977) 3 FPPC Ops. 77.) Please remove the signature block for supervisors from the Form 700.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Marte Castaños
Staff Counsel, Legal Division

SGC:MC:tls

² Section 81013 provides that a state agency may impose additional requirements on any person if the requirements do not prevent the person from complying with the Act. You may wish to include a management review of the Form 700 as part of your statement of Incompatible Activities. (See Gov. Code Section 19990.)