



FAIR POLITICAL PRACTICES COMMISSION

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September 12, 2000

Eileen Ledgerwood
Administrative Services Officer
Tulare County Superior Court
Room 303, County Civic Center
Visalia, CA 93291

**Re: Your Request for Advice
Our File No. A-00-190**

Dear Ms. Ledgerwood:

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

QUESTION

Is the Tulare County Superior Court required to prepare and maintain a conflict of interest code?

CONCLUSION

Yes. The Tulare County Superior Court is required under the Act to adopt a conflict of interest code.

ANALYSIS

Section 87300 requires every state and local government agency, including judicial agencies, of California to adopt and promulgate a conflict of interest code. Prior to 1985, no procedures were in place for adoption of conflict of interest codes by judicial agencies. Therefore, statutory amendments were enacted in 1984 (Ch. 727, 1984 Stats., copy enclosed) removing the exemption for judicial agencies from the financial disclosure and disqualifications provisions of the Act. (*Whittington* Advice-Letter, No. A-85-185, copy attached.) The bill established procedures for the preparation and review of conflict of interest codes for the various judicial agencies, including designation of a code reviewing body. (Sections 82011 and 87311.5.) Therefore, a judicial agency is

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

required to adopt a conflict of interest code even if there is no subordinate agency in its organizational structure.

Among other things, a conflict of interest code must require personal financial disclosure by those members or employees of the agency (excluding judges)² who make or participate in making decisions which may foreseeably affect private financial interests. The code reviewing body for the Tulare County Superior Court is the Presiding Judge of the Court. (Section 82011(g).)

Per your request, a copy of Regulation 18730, the FPPC standard conflict of interest code, is enclosed. This regulation may be incorporated by reference as the body of the conflict of interest code of the Tulare County Superior Court, to which the Court will attach a list of "designated employees" who must file disclosure reports and a description of their disclosure requirements. A fact sheet entitled, "How to Determine Who Should be Designated in a Conflict of Interest Code," is also enclosed.

If you have any additional questions, please feel free to contact me.

Sincerely,

Luisa Menchaca
Assistant General Counsel

By: Kevin S. Moen, PhD
Political Reform Consultant II

Enclosures

² Judges file Statements of Economic Interests pursuant to section 87200, et seq. Also see section 87500(i).