



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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March 21, 2018

William Sperling
General Counsel
Child360
515 S. Figueroa Street, Suite 900
Los Angeles, CA 90071

Re: Your Request for Advice
Our File No. A-18-025

Dear Mr. Sperling:

This letter responds to your request for advice regarding the Conflict of Interest Code and Statement of Economic Interests ("Form 700") filing provisions of the Political Reform Act (the "Act").¹ Please note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

FACTS AS SUBMITTED BY REQUESTOR

You are the General Counsel for Los Angeles Universal Preschool ("LAUP") doing business as Child360. In October 2017, Child 360 received advice from the Commission determining that Child360 was a public agency for purposes of the Act. (*Sperling* Advice Letter, No. A-17-025.) In that request for advice you provided that LAUP receives funding from several counties including the Los Angeles Department of Education, The County of Orange Department of Education, First 5 Riverside, Kern County Department of Education and First 5 Santa Barbara among others. You are now seeking guidance on whether Child360 is a single or multi-county agency for purposes of the Act and where Child360's filers should file their Form 700s.

ANALYSIS

The Act requires every state and local government agency to adopt a conflict-of-interest code ("code"). (Section 87300.) The code must enumerate the positions within the agency that involve the making or participation in the making of decisions that may foreseeably have a material financial effect on any financial interest held by the person filling the position. Further, the code specifies which financial interests must be disclosed by persons holding those positions designated

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

in the code. (Sections 87300-87302.) The code must be approved by the agency's code reviewing body. (Section 87303.)

Pursuant to Section 82011, "code reviewing body," as it relates to a county agency versus a multi-county agency, means the following:

"(a) The [C]ommission, with respect to the conflict-of-interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.

"(b) The board of supervisors, with respect to the conflict-of-interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county."

The jurisdiction of a local government agency is ". . . the region, county, city, district or other geographical area in which it has jurisdiction . . ." (Section 82035.) Thus, to answer the question of whether Child360 is a multi-county agency subject to the Commission's review or a single-county agency subject to the Los Angeles County Board of Supervisors' review, we must ascertain the meaning of "jurisdiction" as it applies to an agency.

Although previous Commission advice letters have determined whether an agency principally located within one county has jurisdiction in another county by looking at whether the agency owns real property in the other county, the second prong of the analysis is to assess the extent to which the agency has authority in another county. (*Krause* Advice Letter, No. A-05-036; *Zimring* Advice Letter, No. A-90-167; *de Bortnowski* Advice Letter, No. I-90-356; *Woliver* Advice Letter, No. A-84-123.) In the *Zimring* Advice letter, a school district principally located in one county annexed a small portion of another county and was declared a multi-county agency in part because the residents of the annexed portion of the other county were entitled to receive services provided by the school district. Likewise, Child 360 receives funding from several counties and provides services in those counties. Thus, we conclude Child 360 is a multi-county agency whose conflict-of-interest code must be approved by the Commission. Child 360's filers should file their statements with the Commission until the code approval is completed.²

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

Sincerely,
Brian G. Lau
Assistant General Counsel

By: 
Sukhi K. Brar
Senior Counsel, Legal Division

SKB:jgl

² Once a new code is approved, the Commission may advise that Child360's Form 700s be filed with Child360 instead of the Commission. (Section 87500(l).)