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State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance ••• Administration ••• Executive/Legal ••• Enforcement ••• Conflict of Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

June 27, 1980

Edythe Campbell
City Clerk
2180 Milvia Street
Berkeley, CA 94704

A-80-06-035

Dear Ms. Campbell:

This is in response to your inquiry of April 24, 1980, regarding your responsibilities in connection with statements of economic interests filed with your office. Specifically, you ask what are your duties when you believe that a filed statement is incomplete and you are not the filing officer.

Commission regulation 18115 delineates the duties and responsibilities of filing officers and those officials who receive statements for the purpose of filing with the filing officer. With respect to filing officers, the regulation provides that the filing officer shall,

(4) Report apparent violations of the Political Reform Act to the appropriate agencies. An apparent violation exists when:

(A) The filing officer knows or has reason to believe that the statement contains material inaccuracies or omissions;

(B) A filer fails to file all or part of his statement or refuses to file all or part of his statement after reasonable notice has been provided by the filing officer.

2 Cal. Adm. Code Section 18115(a)(4)(A) & (B)

The requirements set forth above pertain only to those officials who are filing officers. The regulation does not impose a similar requirement on officials who only receive

Ms. Edythe Campbell
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statements of economic interests for filing with the filing officer. Therefore, you are under no duty to report omissions or errors in those statements for which you are not the filing officer.

Although the Act does not impose upon you a duty to report apparent violations, it is not in the public interest to allow violations of this Act or any other law to go unreported by a public official who has knowledge of the violation. Such action establishes a bad precedent and further erodes the public's confidence in their government. Therefore, our office strongly encourages you to report any violations of the Act of which you are aware even if you are under no legal obligation to do so.

I hope that this advice has been helpful. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

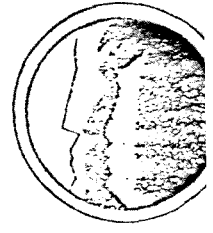


Dwight E. Dickerson
Legal Counsel
Legal Division

DED:nrw

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CITY CLERK DEPARTMENT
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

(415) 644-6480

April 24, 1980

Mr. Ted Prim
Executive Director
Fair Political Practices Commission
Post Office Box 807
Sacramento, California 95804

Attention Legal Division

Dear Ted:

I would appreciate advice from the FPPC regarding the extent of my responsibilities in connection with the Economic Interest Statements filed with me by Berkeley elected officials.

Specifically, I would appreciate being advised what my position should be when I have reason to believe that a filed statement is incomplete or reportable items have been omitted.

FPPC Regulation 18115, adopted September 6, 1978, makes a distinction between filing officers and an official receiving statements. In the instance cited, I am the official receiving the statement and forwarding it to FPPC. While the filing officer is obligated to report apparent violations, this obligation is not repeated in the section covering duties of officials receiving statements.

I have consulted with the Berkeley City Attorney on this matter, and it is at his suggestion that I seek the advice of your office.

Sincerely,

EDYTHE CAMPBELL
City Clerk

EC mjs

cc: Acting City Attorney