

March 3, 2016

Denise Belisle

Sent via Email only to: [REDACTED]

Re: Candidate Form 700 Questions

Dear Ms. Belisle:

You have asked the following questions regarding your candidate FPPC Form 700:

1. I own a home in [REDACTED]. Does it have to be reported?
2. Do I have to report my current residence as well?
3. On Schedule C, if my income was listed under Schedule A, does it have to be listed on Schedule C as well?

The answers are as follows:

1. No, you do not have to report the home you own in [REDACTED] because it is not located within the City of San José jurisdiction.
2. Because this question does not involve a City regulation, you may want to contact the Fair Political Practices Commission ("FPPC"). Please see Answer 17 from the FPPC publication entitled "Frequently Asked Questions: Form 700 Disclosure," available at <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2014-15/044-12-2015%20Form%20700%20FAQs.pdf>, pasted below for ease of reference:

"17. Q. Is an official's personal residence reportable?

A. Generally, any personal residence occupied by an official or his or her family is not reportable if used exclusively as a personal residence. However, a residence for which a business deduction is claimed is reportable if the portion claimed as a tax deduction is valued at \$2,000 or more. In addition, any residence for which an official receives rental income is reportable if it is located in the jurisdiction."

Since the Form 700 is a public document, if the personal residence is required to be reported, you may provide the Assessor's Parcel Number instead of the street address.

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3. We understand that you own Evergreen Coffee Company with your husband. Because this question does not involve a City regulation, you may want to contact the FPPC. Please see the answer on page Instructions-6 from the FPPC publication entitled "2015/2016 Statement of Economic Interests, Form 700: A Public Document" available at http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2015-16/Form_700_2015.2016.pdf, pasted below for ease of reference:

"Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. See Reference Pamphlet, page 8, for the definition of "business entity."

Please note that this letter is intended to interpret only the City's Municipal Code. The California Fair Political Practices Commission is charged with interpretation and enforcement of the Political Reform Act and its implementing FPPC regulations. Court decisions have held that reliance on the advice of a city attorney is not a defense in the event of an inquiry as to whether the state regulations have been violated.

We hope that this addresses your questions. Please feel free to call or email if you have further questions or need clarification with regard to this letter.

Very truly yours,

RICHARD DOYLE, City Attorney

By: Neelam Naidu

NEELAM NAIDU
Deputy City Attorney

CC: Toni J. Taber, CMC, City Clerk