



Mr. Robert H. Gustafson

March 8, 1984

Ken McManigal

Public Access to LEOP Files

This is in furtherance of your conversation with Larry Augusta as to whether LEOP files are open to public inspection and available to members of the public upon request.

My understanding is that Assessment Standards Division's primary source of information for such files is franchise tax returns filed by legal entities. The copies of such returns Assessment Standards Division receives have the following admonition stamped on each page thereof:

"This document is confidential. Any unwarranted disclosure or use of any information herein for purposes not authorized by law is illegal and may subject the person or agency making the disclosure to criminal prosecution."

As indicated in the March 5, 1984, memorandum from Vern Walton to Don Davis, copy attached, the Franchise Tax Board admonition follows from Revenue and Taxation Code Section 26451, Divulgence of Business Affairs of Taxpayer a Misdemeanor.

In addition to the principle that confidential information remains confidential in the hands of others entitled to access thereof, and in addition to Revenue and Taxation Code Section 833, Information Held Secret, and Government Code Section 15619, Divulging of Information Unlawful, Revenue and Taxation Code Section 481 states that all information requested by the Board pursuant to Section 480 et seq. or furnished in the change in ownership statement shall be held secret by the Board. It states further that the change in ownership statement is not a public document and is not open to inspection.

JKM:jlh

cc: Mr. Gordon P. Adelman  
Mr. Verne Walton  
Mr. Al Dutra  
Mr. Al Flory  
Mr. Bob Janes  
Mr. Don Davis