



California Fair Political Practices Commission

April 19, 1988

Mark F. Spiro
INCO Homes
1282 W. Arrow Highway
Upland, CA 91785

RE: Your Request for Advice
Our File No. A-88-132

Dear Mr. Spiro:

You have requested advice regarding the campaign disclosure provisions of the Political Reform Act of 1974.^{1/}

QUESTION

Must Inco Development Corporation, the general partner in four limited partnerships, aggregate its campaign contributions with those of the four partnerships in order to determine whether Inco Development Corporation and the affiliates must file as a major donor?

CONCLUSION

If Inco Development Corporation and the affiliated partnerships act as "a combination of persons" (i.e. coordinate their contributions), the contributions must be aggregated in order to determine whether, together, Inco Development Corporation and the partnerships qualify as a major donor.

FACTS

Inco Development Corporation is the general partner in four limited partnerships. Each of these limited partnerships has more than ten limited partners.

ANALYSIS

Section 82013(c) states if any person or combination of persons directly or indirectly contributes \$10,000 or more in a calendar year to or at the behest of candidates or committees, the person or combination of persons meets the definition of a

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

committee. (These committees are referred to as "major donor committees.") Section 84200(b) requires major donor committees to file campaign statements on July 31 and, depending on their activity, on January 31, for each year in which the person or combination of persons qualifies as a major donor committee.

The term "person" is defined in Section 82047 to include corporations. In addition, the Commission has defined the term "person or combination of persons" as an alliance of persons or entities formed for the purpose of influencing the voters for or against the nomination or election of one or more candidates or the passage or defeat of one or more measures. (In re Lumsdon (1976) 2 FPPC Ops. 140, copy enclosed.)

Whether the limited partnerships acted as "a combination of persons" with the general partner is determined by the control the general partner has over the partnerships' decisions to make campaign contributions. (In re Lumsdon, supra; Regulation 18428 (copy enclosed).) If the decisions of the limited partnerships concerning campaign contributions require the approval of the general partner, or those decisions are made in concert with the general partner, the contributions must be aggregated to determine if the general partner and the limited partnerships have qualified as a major donor committee with subsequent reporting obligations. In addition, if the contributions made by the general partner and the other partnerships are directed or controlled by one individual, or are otherwise coordinated, the general partner and the limited partnerships must aggregate their contributions to determine if they qualify as a major donor committee.

If you have additional questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Kevin S. Braaten-Moen
Political Reform Consultant

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March 25, 1988

Mr. Kevin Braaten-Moen
Fair Political Practices Commission
428 "J" Street, #700
Sacramento, CA 95814

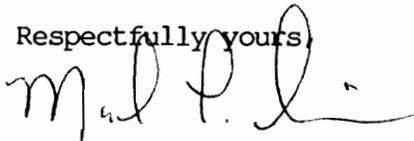
Re: Clarification of the term entity

Dear Kevin,

As requested, we are providing you with a clarification of Inco Development Corporation's relationship to various limited partnerships. Inco Development Corp. is the general partner in four limited partnerships. Each of these limited partnerships is comprised of in excess of ten partners. Based on this clarification, we wish to know if the contributions can be segregated by partnership or must we aggregate them under Inco Development Corporation.

Thank you for your attention to this matter.

Respectfully yours,



Mark F. Spiro
Controller

MFS/lc

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March 25, 1988

Mr. Kevin Braaten-Moen
Fair Political Practices Commission
428 "J" Street, #700
Sacramento, CA 95814

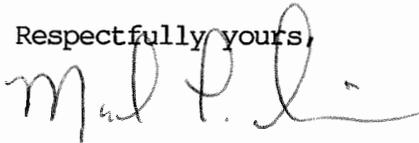
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Mark F. Spiro
Controller

MFS/lc



California Fair Political Practices Commission

April 5, 1988

Mark F. Spiro, Controller
INCO Homes
P.O. Box 970
Upland, CA 91785

Re: 88-132

Dear Mr. Spiro:

Your letter requesting advice under the Political Reform Act was received on March 29, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard *JP:plh*

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh