



California Fair Political Practices Commission

May 18, 1988

Pete Ohanesian
8542 Florence Avenue
Suite C
Downey, CA 90240

Re: Your Request for Advice
Our File No. G-88-184

Dear Mr. Ohanesian:

You have asked for advice concerning various actions of Marshall Story during the current campaign for the 63rd Assembly District.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act.^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised. However, I have referred your letter to our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

Diane M. Griffiths
General Counsel

DMG:ld
cc: Roger Brown

^{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.

Pete
Ohanesian
★★★★★ for
State Assembly

MAY 13 1 25 PM '88

May 10, 1988

Ms. Diane Griffiths, Division Chief
Fair Political Practices Commission
428 J Street, Ste. 800
Sacramento, CA 95814

Dear Ms. Griffiths:

I want to bring to your attention a series of events which have taken place recently in connection with the 63rd Assembly District Primary election.

Candidate Marshall Story met with me on Tuesday, May 3rd, and indicated he was withdrawing from the race and would endorse my candidacy if I would agree to retire his \$17,000 campaign debt. I informed Mr. Story that I believed such an arrangement was inappropriate and could give rise to legal ramifications. At that point, our meeting was terminated.

At the time, I believed Mr. Story may simply have been unaware of the ramifications of his offer.

Two days later, Mr. Story met with Assembly Speaker Willie Brown in Sacramento. Following that meeting, Mr. Story announced his intention to endorse Mr. Bob Epple, the Speaker's candidate, in this race.

Mr. Story, it must be remembered, had participated in press conferences and public forums for the last three months in which he had systematically condemned the Assembly Speaker and Mr. Epple for their intrusion in this campaign.

Enclosed are several press clippings substantiating this criticism

- 2 -

I am not an attorney, but I feel uncomfortable with the circumstances surrounding Marshall Story's endorsement of Mr. Epple.

I bring this matter to your attention for any appropriate action.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Ohanesian". The signature is written in a cursive, flowing style with some loops and flourishes.

Pete Ohanesian

Story endorses Epple in Assembly District free for all

By MIKE SPRAGUE
Staff writer

Democratic candidate Marshall H. Story has bowed out of the 63rd Assembly District race and endorsed Robert Epple over Peter Ohanesian and Humberto Lujan.

Story's announcement at press conference Monday brought a barrage of charges against him. Two of his former campaign aides, both members of the Mexican-American Political Association, charged Story with selling out. Ohanesian charged that Story's endorsement of Epple was a pay off for a campaign debt.

Rep. Esteban Torres, D-Pico Rivera, also was present with Story at Monday's press conference and endorsed Epple.

The endorsements "show I have the support of the people in the district," said Epple. "It's time to put aside fights that don't have anything to do with the issues."

"I feel you're a sellout," Tina Delgado, chairman of the 63rd District chapter of MAPA, told Story.

"You guys are hurting the Democratic Party," said Vicente Perez, coordinator for the 63rd District for MAPA. "If we have to turn Republican, we will."

Both Perez and Delgado, who were paid campaign workers, left Story about a week ago, said the candidate.

Delgado claimed that Story and his campaign manager, Artesia City Councilman Jim Van Horn, would receive jobs from Epple if he is elected.

"I would not take a position with Epple and it's my understanding that Jim will not endorse or oppose Epple," said Story.

Story said he had to withdraw from the race, because of lack of funds. "The money has run out," he explained. "I did not enter the race to be a spoiler."

The candidate, whose name will remain on the ballot, said he decided to endorse Epple after Thursday's attempt by Republicans and the "Gang of Five" to oust Speaker Willie Brown.

Whittier, of the "Gang of Five."

Story charged the "Gang of Five" with "very poor judgement" in their attempted ouster of Brown.

"It's important to elect someone who can truly work within the Assembly and not sell themselves to the Republicans simply to further their own political goals," said Story.

However, after the press conference in a prepared statement, Ohanesian said that Story had backed Epple in order to get help with a \$17,000 deficit.

Story could not be reached for comment about Ohanesian's claims.

"I am today writing the Los Angeles County District Attorney's office and the Fair Political Practices Commission" to request an investigation, said Ohanesian.

Ohanesian said that Story had met with him last Tuesday about withdrawing from the race and "mentioned his \$17,000 campaign deficit," said Ohanesian.

"I advised him that it was not appropriate to discuss his endorsement of me at the same time he wanted to discuss my helping retire his debt," said Ohanesian. "I believe at that time, Marshall was unaware he may have been committing an illegal act of attempting to sell his endorsement to have a campaign debt paid."

Later last week, Story traveled to Sacramento to meet with Brown and shortly after that he announced the withdrawal, said Ohanesian.

"In as much as, Epple and Brown are members of the state bar, I'm also writing to the state bar and asking them to investigate whether or not, two of their members entered into an illegal conspiracy," said Ohanesian.

"Marshall, I'm sorry you have put your purse before your principles," Ohanesian said to Story.

Story also was accused of selling out by Mila Corral, a member of MAPA and a legislative aide for State Sen. Joseph Montoya, D-

The Sacramento Bee

Thursday, April 21, 1988

Brown's allies lobbying LA primary

Reported trying to thwart endorsement of 'Gang of 5' friend

By Herbert A. Sample
Bee Capital Bureau

Top Assembly Democrats, apparently fearful that a candidate backed by rebel Assembly Democrats could win June's primary election, have pressured police officer groups in Los Angeles to endorse another candidate in an Assembly race there.

According to officials of the police groups, Assembly Speaker Willie Brown and his top lieutenants have made it clear that Bob Epple, a Norwalk lawyer, is their choice for the Democratic nomination in the 63rd Assembly District.

Brown has not officially endorsed any candidate in that race.

The stakes are high for Assembly Democrats in the campaign to challenge Republican incumbent Assemblyman Wayne Grisham of Norwalk in November.

Epple's strongest competition in the June primary is Pete Ohanesian, owner of a Downey direct mail firm. Ohanesian is a longtime friend of Assemblyman Charles Calderon of Whittier, one of the dissident Democrats, dubbed the "Gang of Five," who have split with the rest of the Democratic caucus.

The Gang of Five has banded with Republicans in recent weeks to force several controversial issues to the Assembly floor for votes, including a measure last week that would allow wiretapping of suspected drug dealers.

"I think it's reasonably clear that everyone would be concerned that the Democratic nominee not join with the Republicans in concerted activity," said Assemblyman Phillip Isenberg, D-Sacramento, chairman of the Assembly Democratic Campaign Committee.

One organization that was strongly urged by Brown allies to support Epple was the Association for Los Angeles Deputy Sheriffs, a labor union that represents more than 6,000 deputy sheriffs.

Members of the Assembly close to the speaker lobbied very intensely on behalf of Epple," Les Robbins, president of the group, said in a telephone interview. He would not identify who did the lobbying.

Robbins said there were "a handful" of telephone calls from top Brown lieutenants who pushed for an endorsement of Epple as late as two hours prior to the start of candidate interviews April 4. The group's top officials decided to endorse Ohanesian the next day.

"I'm sure they were doing it at the direction of the speaker because everyone knows that the speaker has lobbied Bob Epple," Robbins said.

Top Assembly Democrats were angry that Ohanesian was selected, Robbins said. They then began to seek endorsements of other police groups to counter the deputies' decision, he contended.

Sharon Lawin, executive director of the Los Angeles County Professional Peace Officers Association, said her group's lobbyist was approached recently by Democratic Assembly members seeking an endorsement for Epple.

Lawin's group, however, has already endorsed Grisham and she said it is unlikely that a second endorsement will be made.

Epple said he was sure some Democratic Assembly members talked to police groups on his behalf, adding, "I think what you'll find is Les Robbins is pressuring them not to" endorse Epple.

Robbins said he asked other police groups to stay out of the race because law enforcement in the 63rd District is provided only by the Los Angeles County Sheriffs Department and the Downey Police Department. The group representing Downey officers has not endorsed a candidate.

Robbins was to be a candidate in the 54th Assembly District but said he dropped out after Brown told him that Willard Murray would be the caucus choice. Robbins said his group's endorsement of Ohanesian was not done in retaliation.



TRIBUNE

Serving: Norwalk, Downey, Bellflower, Paramount, Cerritos, Artesia and Lakewood

Thursday, April 21, 1988

Brown's shadow falls on the 63rd

By Jay Johnson
Norwalk City Editor

Bob Epple has made a habit of stating he does not have the support of Assembly Speaker Willie Brown and the Democratic leadership as he has campaigned for the right to be the Democratic standard-bearer in the race for the Assembly seat in the 63rd District.

It's a habit Epple may have to break.

The News Tribune has learned Assemblyman Richard Katz, D-39th, will be keeping an

eye on Epple as he works to defeat Peter Ohanesian and Marshall Story in the June 7 primary race.

What sparked Katz' interest?

Katz was assigned to the race by Assemblyman Phil Isenberg, D-10th, who is the chairman of the Assembly Democratic Caucus Campaign Committee — the Democratic leadership's powerful campaign arm.

Katz downplayed the significance of what he would be doing stating he would only be watching the Epple campaign.

When asked if that role could possibly entail a little more than watching, Katz responded:

"Advice if they ask for it. It depends on what the Epple campaign wants from me."

The assignment is a "fairly routine thing" done by the Assembly Democrats, according to Katz.

"The Epple campaign is going to be run by Paul Carpenter and the people in the 63rd Assembly District. I'm just going to be watching it and giving advice as it's asked for," Katz said.

For Ohanesian and Story, Katz involvement in the Epple campaign only confirms what they have claimed all along — that Brown and the Democratic leadership in the Assembly already have chosen who they want to represent the party in the battle to wrest control of the seat from the Republicans in November.

"I've been told Katz has been in Epple's campaign since prior to the Democratic state convention (in March), but they're going to try to stay an arm's length away

from it if possible," Story said.

Story has alleged Brown had a role in Epple's decision to enter the race; a charge Brown's staff has repeatedly denied in the past.

Something they continue to do.

"It's an Assembly Democratic Caucus decision. It's not just Willie Brown giving orders," commented Susan Jetton, Brown's press secretary.

"You can fool the average person, but when you deal in politics on the level that I've dealt with for the last 10 or 15 years, you can't fool me. I know what they do, how they do it and their methods.

"A lot of this stuff there's no way of proving," Story said.

"I believed all along that (Assembly Speaker) Willie Brown and his lieutenants, and (Assemblyman) Richard Katz is a lieutenant of Willie Brown, would be involved in the Epple campaign. This clearly demonstrates Willie Brown is supporting Bob Epple," Ohanesian commented.

Ohanesian has been accused repeatedly by Story of being the candidate of the "Gang of Five," comprising assemblymen Charles Calderon, D-59th, Rusty Areias, D-25th, Gary Condit, D-27th, Jerry Eaves, D-66th, and Steve Peace, D-8th, that have been challenging Brown's authority. Ohanesian has denied those allegations but admits to being a long-time friend of Calderon and having his support in the race.

What did Epple have to say about the information concerning Katz?

The News-Tribune's inquiries were referred to Paul Carpenter, a member of the state Board of Equalization and former state senator in the 33rd Dist., who is acting as Epple's campaign manager and spokesman.

"We're lucky to have him (Katz)," Carpenter said.

Katz could be a valuable asset because of his expertise in the area of transportation (Katz serves as the chairman of the Assembly's Transportation Committee), which is a key issue in the district, according to Carpenter.

In Carpenter's opinion, the decision by Isenberg was done to further his efforts to advance upward and not on the behalf of Brown.

"Brown's on the way out. My guess is that Isenberg is working on behalf of Isenberg," Carpenter said.

The only reason Brown has retained the speaker's post is because Assemblyman Pat Nolan, R-41st, who leads the Republican Assembly Caucus, wants to use him as a tool through which to raise funds for the Republicans, Carpenter claims.

Carpenter characterized the allegations of Brown's role in the race as business as usual.

"They seem to fly off those guys like rainwater off a duck.

"Anytime candidates end up discussing other candidates it vindicates to me they are intellectually bankrupt," Carpenter said.

A rumor has been circulating that Story has been getting help from state Sen. Joe Montoya, D-26th, in his effort to be the Democratic challenger for the seat currently held by Republican

Wayne Grisham.

Specifically, it has been alleged Michael Duffy, an administrative aide for Montoya, has taken a leave of absence to work on the Story campaign.

Duffy denied the charge.

"That's not accurate at all," Duffy said.

Asked if such a move was under consideration at one time, Duffy responded:

"I'm not going to get into a position where I'm competing with the Office of Majority Services in Sacramento.

"Any observer of that campaign would know Willie Brown is running an effort out of Sacramento," Duffy said.

Duffy admits his sympathies lie with Story.

"If there's any way we

can see fit to help Marshall (Story) in a volunteer capacity or otherwise, I know that I'd be willing to go out and walk precincts for Marshall," Duffy said.

"I wish he (Duffy) was with my campaign. He could help me raise some funds," Story said.

Duffy describes Brown's role in Epple's campaign as an "outrage."

"People are tired of back-room politics," Duffy said.

Carpenter said he would not be surprised to see Montoya backing Story in the primary.

"I have the impression my good friend Joe (Montoya) doesn't like Willie (Brown) too much. They've been at cross purposes," Carpenter commented.

Los Angeles Times

Candidates Blast Willie Brown for Endorsement Role

By MARK GLADSTONE, Times Staff Writer

SACRAMENTO—Two Democratic candidates in the 63rd Assembly District have protested the state Democratic Party's endorsement of one of their opponents in the June 7 primary.

Marshall Story of Cerritos and Peter Ohanesian of Downey say the state party's endorsement of Robert Epple of Cerritos last weekend was engineered by Assembly Speaker Willie L. Brown of San Francisco through a last-minute change in party rules.

The dispute marks the opening round in the primary for the seat now held by Assemblyman Wayne Grisham (R-Norwalk), who faces a GOP primary challenge. The 63rd District includes Cerritos, Downey, Norwalk, Hawaiian Gardens, Artesia and Santa Fe Springs.

Heading from a prepared statement at a Norwalk press conference Monday, Ohanesian said: "Willie Brown packed our Assembly District caucus after forcing a last-minute rules change that . . . allowed people who didn't even live in Los Angeles County to pick proxies who live in our community—as long as they were committed to his handpicked candidate, Bob Epple."

Accusations Denied

Ohanesian and Story also said they unsuccessfully had sought to have the party refrain from taking a position in their contest. A fourth candidate in the race is Humberto Lujan of Norwalk.

Dean Tipps, a spokesman for Brown, denied the assertions, saying Brown did not ask the party to change the rules. "These guys have been beating on Willie Brown. It seems that's the only issue they can think of in the campaign.

"What Mr. Ohanesian and Mr. Story are complaining about is that

they didn't have the votes. . . . It sounds like sour grapes to me."

Epple said Brown had no role in the endorsement. "I feel [Ohanesian and Story] are being poor losers," Epple said.

Last month an appellate court cleared the way for the Democratic Party to support legislative candidates for the first time. Democrats made the endorsements last weekend at their annual convention in Palm Springs.

The impact on the campaign is unclear, but the party action will enable candidates to publicize the endorsement, receive help and possibly money from the party and, most important, use a cheaper bulk mailing rate available to political parties.

Heart of Dispute

At the press briefing, Story complained that because of this advantage he will "have to raise three times as much money" as Epple "to run the same level of a race."

At the convention, candidates were endorsed by Assembly district caucuses attended by party officials. At the heart of the dispute are party rules on whether people given a proxy by a delegate must vote in their own district caucus or in the caucus of the delegate who provided the proxy.

Rickie Santell, co-chair of the credentials committee, said her committee had initially determined that a person had to vote in the district of the delegate who gave them the proxy. But after much wrangling and two votes, she said, the committee reversed itself on Saturday and decided that the proxy must vote in the district in which he lives.

Santell said that is the traditional way in which the party has handled

proxies. "It's not new. It's always been done this way," Santell said.

The 63rd Assembly District caucus voted for Epple, 16-10, just above the 60% required to receive the party nod. After the caucus vote, the full convention ratified the endorsement, Santell said.

Candidates Ohanesian and Story said six of Epple's votes were cast by delegates who live in the 63rd District but who were given proxies by delegates who live outside the district. One of those was acting State Treasurer Elizabeth Whitney, who acknowledged that she gave her proxy to Michael Galizio, Brown's chief of staff, for him to pass on to the Epple campaign.

"Galizio called and asked for the proxy," Whitney said. "People do that all the time."

Although Brown has publicly shied away from endorsing a candidate in the 63rd District, most members of his Assembly Democratic caucus support Epple. Among the reasons they privately cite for helping Epple is that Ohanesian is a longtime friend of Assemblyman Charles Calderon (D-Alhambra), one of five dissident Democrats who have challenged Brown's leadership.

In the neighboring 54th Assembly District, former Assemblyman Leon Ralph of Paramount captured the party endorsement over Willard Murray, an aide to Rep. Mervyn Dymally (D-Compton). They are battling for the right to oppose Assemblyman Paul E. Zeltner (R-Lakewood) in the heavily Democratic district, which covers Bellflower, Compton, Lakewood, Paramount and parts of Long Beach, East Compton and Willowbrook.

Ralph described the endorsement as "a strong indication that I have support from people throughout the district. But Murray discounted the significance of the vote, saying he does not "think it will markedly affect the outcome of the June 7 election."

Epple's endorsement under fire

By MIKE SPRAGUE
Staff writer

Robert David Epple of Norwalk, a Cerritos College trustee, has received the endorsement of the state Democratic Party for the nomination in the 63rd Assembly District.

Two of his opponents in a Monday press conference accused Speaker Willie Brown of packing the district caucus to obtain the endorsement for Epple.

Epple received the endorsement on a 16-11 vote over the weekend at the state convention in Palm Springs.

Candidates Marshall H. Story of Cerritos and Peter Ohanesian of Downey said that Brown had en-

Related story Page A2

gineered a last minute rules change allowing people who do not live in Los Angeles County to pick proxies to vote in the district caucus.

"All this was done at the direction of Willie Brown's highest assistants," said Ohanesian. "It seems that Willie Brown, who has been meddling in our affairs for at least four years is at it again.

"It's shocking to us that Willie Brown who believes that free elections should be held in South Africa and Nicaragua, is opposed to them here in the 63rd Assembly District."

"Willie Brown didn't do a thing," said Epple. "This was organized by myself and my wife.

"The fact I've been working with my party and on the rules committee lets me know how to ask people to vote for me. What they're complaining about is they didn't read the rules."

"They sound like sore losers (to me)," said Susan Jetton, press secretary for Brown.

The endorsement by the party will allow Epple to send mail out at the party's cheaper rate.

Rickie Sentall, co-chairman of the Credentials Committee, denied there was a rules change at

Please see EPPLE / A2

EPPLE

From A1

the convention — only an interpretation of how proxies vote.

A proxy represents a delegate to the convention.

"The rule has always been — the proxy votes where the proxy lives" — said Sentall, a resident of West Covina.

However, there was confusion over the rules, causing the Credentials Committee on Friday to vote that the proxy should vote in the delegate's district, according to Sentall. That "is absolutely wrong."

The rule was changed on Saturday, causing results in about 15 districts, including the 63rd, to be altered, she said.

Before the proxies were allowed to vote, the caucus had voted, 11-10, to not endorse anyone, said Story.

A 60 percent majority was needed to obtain the endorsement.

The additional six proxies that were later allowed to vote all went for Epple, said Story.

Epple said that there were actu-

ally only two proxies representing individuals from outside the district. "All of the others were within the district," he added.

"Every candidate other than Epple said, 'Let the people speak,'" said Story. "Why not let the people choose it (the Democratic nomination)."

"I'm very disappointed that Marshall and Peter would be such poor losers," said Epple.

Ohanesian noted that the regional pre-endorsing conference had voted for an open primary with no endorsement.

Harvey Englander, campaign consultant for Ohanesian, compared the procedure to having someone in San Francisco "vote for Jim Van Horn for mayor of Artesia."

"They know not of what they speak," said Sentall, who noted that she has endorsed Story. Proxies must vote in their own district, because otherwise individuals would be voting in areas they are unfamiliar with, she added.

All elected state officials get to appoint a certain number of delegates from any district they wish.

CONTACTS: Dina Huniu
(213) 861-2585
Jim Van Horn
(213) 924-0745

FOR IMMEDIATE RELEASE

HERE HE GOES AGAIN

THE FOLLOWING IS THE TEXT OF PETE OHANESIAN'S AND MARSHALL STORY'S COMMENTS:

On the day before yesterday, Willie Brown told the Democrats of the 63rd Assembly District once again that he doesn't care about our views.

At the Democratic State Convention, Willie Brown packed our Assembly District Caucus after forcing a last minute rules change that, for the first time ever, allowed people who didn't even live in Los Angeles County to pick proxies who live in our community -- as long as they were committed to his hand-picked candidate Bob Epple.

This action overturned our local district's regional pre-endorsing conference action; which called for a free and open primary campaign -- with no endorsement of any candidate by the Democratic Party in the primary.

All this was done at the direction of Willie Brown's highest assistants: Mike Galizio, Dean Tipps, Jim Wisely, Bill Cavalla and Tom Carroll.

It seems that Willie Brown, who has been meddling in our affairs for at least four years is at it again. Some might even say, Here He Goes Again.

It's shocking to us that Willie Brown, who believes that free elections should be held in South Africa and Nicaragua, is opposed to them here in the 63rd Assembly District.

We stand united here today to declare that the Democrats of our community reject Willie Brown and will reject his hand-picked alter-ego Bob Epple.

We reject their Tammany Hall/Mayor Daly brand of cronyism --

We reject their policy positions which are out of touch with the Democrats in our district --

And we reject their politics of, by and for the special interests.

As loyal Democrats who have lived and worked in this community, we will not tolerate Willie Brown meddling in our affairs anymore. The Willie Brown - Bob Epple alliance will be defeated.

Opinions are mixed on caucus results

By Jay Johnson
Norwalk City Editor

The candidates vying for the Democratic nomination in the 63rd Dist. Assembly race may not have been able to muster enough votes to get an endorsement at the Region 12 Pre-Primary Endorsement Caucus, but they were able to muster some comments after the meeting that should help fuel their campaign fires.

The candidates, because they aren't incumbents, needed backing by 60 percent taking part to

get an endorsement at the caucus meeting last Sunday. When it was all said and done, Marshall Story had five votes followed by Bob Epple with four, Alex Morales and Peter Ohanesian with two and two voting for no endorsement.

"I had a majority of the votes," said Marshall, who claims the vote shows he is the front-runner in the race.

Epple doesn't seem to agree with that view. In fact, he claims there will only be two candidates please see page 21

ALP... 11/15/14

Caucus

continued from page 1
in the race by June 7, he and Ohanesian.

"I really don't believe it will be the same people at the end. To tell you the truth, I think that by June 7 it will be a two person race, and it will be, basically, myself and Peter.

"I will win by a clear majority," Epple said.

"You might ask him what he's been smoking. I have no intention of dropping out of the race." Story responded.

Story does admit he is being pressured by Assembly leaders in Sacramento to drop out and charged earlier pressure was applied to get his consultant Harvey Englander to back out. However, that charge was denied by Englander.

"They are trying everything the can to force me out of the race. I'm tired of the 63rd being the battleground. I'm in the race to stay," Story said.

Although Story got the majority of the votes at the caucus, Epple claims he came out the winner, and the caucus vote is not indicative of what will happen on June 7.

"It was a victory because I felt I was going in at a disadvantage because I had started late in my campaign," Epple said.

The representatives of the committee, county committee and clubs are not a true reflection of the general community, thus the close vote at the caucus is not indicative of how the election

will turn out, according to Epple.

"I don't think that (the caucus vote) will have any relationship to what the ultimate campaign results will be," Epple said.

Although he discounts Story, Epple says Ohanesian will give him a race.

"Peter (Ohanesian) will have a solid showing, but I'll win by a clear majority," Epple said.

Epple's comments are "presumptuous" at this point in the race, according to Ohanesian.

Because the candidates all have their core of supporters, Ohanesian was not surprised by the results of the caucus.

"It's kind of the way I expected it to go." Ohane-

sian said.

Ohanesian was not counting on the endorsement to bolster his effort.

"My campaign strength will come from the fact I've got a lot of local people who are elected officials who are committed to my effort," Ohanesian said.

The fact he plans to campaign door-to-door to bring his message directly to the voters will set him apart from the others vying to take on the winner in the Republican primary, either incumbent Assemblyman Wayne Grisham or challenger Dale Hardeman.

Having raised over \$60,000, Ohanesian said he has demonstrated he can raise the funds necessary to make he a viable candidate.

"I have committed that (amount)," Epple

Because of the competition, Epple would like to come up with money for the general election. He estimated it would probably take about \$100,000 for the primary.

Story is making a concerted effort to raise funds and has already announced a fund-raiser to be held to feature state Sen. Richard Green, D-33rd, and Assemblyman Richard Pollock, D-55th, from 6 to 10 p.m. Friday at the Knights of

Demo slugfest continues in 63rd

By Jay Johnson

The Democratic candidates vying for a shot at ending the Republican's hold on the Assembly seat in

the 63rd District weren't lacking for reasons to take shots at one another before the state party convention last weekend in Palm Springs

gave them yet another opportunity.

Would the three major candidates Marshall Story, Peter Ohanesian and Bob Epple pass up such a golden opportunity? Not on your life.

Epple came away the winner at the convention garnering the endorsement of the district caucus that eluded him at the Feb. 21 pre-primary endorsement caucus.

With the endorsement as a jumping off, or in this case on, point, Story and Ohanesian held a joint press conference Monday to allege that Assembly Speaker Willie Brown's staff was the driving force behind Epple's endorsement.

Story lashed out viciously at Brown accusing him of disregarding the wishes of those in the district in his effort to get his candidate elected.

"We've got all the money. We'll tell you who to vote for," Story said was the message Brown was giving Democrats in the district.

A change by the convention's rules committee at the last minute was the vehicle that enabled Epple to get the votes he needed to obtain the endorsement Ohanesian and Epple allege.

"The last minute rules change benefitted Willie Brown's candidate Bob Epple, and Bob Epple was

please see page 9

Democrats

continued from page 3

The Democratic candidates vying for a shot at ending the Republican's hold on the Assembly seat in the 63rd District weren't lacking for reasons to take shots at one another before the state party convention last weekend in Palm Springs gave them yet another opportunity.

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for Brown included three members of the Assembly Democratic Caucus Campaign Committee's staff, Dean Tipps, Bill Cavalla and Tom Carroll, and two members of Brown's staff: Mike Galizio, chief of staff, and Jim Wisely, political director.

Jim Wood, chairman of the Rules Committee at the convention, had a different assessment of what transpired. The issue that arose was whether the delegates appointed by state officials should vote in the district in which that particular official lived or in the district in which the person holding the proxy lived.

Friday night, the Rules Committee voted eight to six to require those holding proxies to vote in the district the elected official who appointed them lives. One of the committee members dissatisfied with that stance was Epple.

"As the night wore on and arguments flared all over the place, people said, 'You should vote in the district in which you live,'" Wood said.

enable him to get the endorsement.

"The allegations are totally false. It's sour grapes on their part," Epple said.

Of the individuals who Story and Ohanesian allege Brown had aid his effort, Epple did admit Wisely, who he described as a long-time friend, was involved.

"Jim's a very good friend of mine; he has been for a number of years. I asked him if he could get me any proxies. He did get me one," Epple said.

Epple was aware the persons named by Ohanesian and Story were at the convention and kept a close eye on the situation with the 63rd District caucus.

"They consider this a targeted district, and they're very interested in what occurred," Epple said.

Epple is not shy about admitting he would welcome the support of the Assembly Democrats. He already has the support of 14 of the 16 the assemblymen in the Los Angeles area. The action that took place last weekend he viewed as an opportunity to

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Paul Carpenter, a member of the state Board of Equalization and the former state Senator in the 33rd District, was believed to be backing Ohanesian. Not anymore.

"I endorsed Peter (Ohanesian), but I also endorsed Mr. (Humberto) Lujan, Marshall Story and Bob Epple because I think all four of them are fine people. I think Peter made more use of the endorsement than the others did.

"In point of fact, when I go into vote, I will probably vote for Bob Epple," Carpenter said.

Carpenter added he will

also work on behalf of Epple.

"It's sour grapes," Carpenter said of the allegations made by Ohanesian and Story in the press conference Monday.

Made aware of Carpenter's position in the race, Ohanesian commented it would not hurt his effort to win the June 7 primary.

"Paul (Carpenter) is under tremendous pressure," Ohanesian said.

Speaking of backing, the claim Ohanesian is the candidate of the "Gang of Five," comprising assemblymen Charles Calderon, D-59th, Rusty Areias, D-25th, Gary

Condit, D-27th, Jerry Eaves,

D-66th, and Steve Peace, D-8th, won't go away despite Ohanesian's denials.

"I am not the candidate of the 'Gang of Five,'" Ohanesian said Monday.

"Peter is the candidate of the 'Gang of Five.' It is no secret he is," Story said.

Since they have expended much of their efforts to date on attacking Brown, would either Story or Ohanesian accept his help if they won the primary?

"Yes, I will," Story said.

"No," Ohanesian responded.



California Fair Political Practices Commission

May 19, 1988

Marie Scharfenberg
P.O. Box 99091
San Diego, CA 92109

Re: Your Request for Advice
Our File No. G-88-185

Dear Ms. Scharfenberg:

You have written for advice concerning various actions of Lemon Grove Councilmember Karen O'Rourke and her husband, Mark, who is currently a council candidate.

The Fair Political Commission is responsible for interpreting and enforcing the provisions of the Political Reform Act.^{1/} The Act does not contain any provisions which would keep a councilmember's spouse from running for a council seat. Therefore, we are unable to provide advice on this subject.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act. (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised concerning Councilmember O'Rourke's participation in the decision involving ATM Services. However, I have referred your letter to our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

We appreciate your interest in the Commission. If we may be of assistance in the future, please let me know.

Sincerely,

Diane M. Griffiths
General Counsel

DMG:plh
cc: Roger Brown

^{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.

May 13, 1988

Marie Scharfenberg
P.O. Box 99091
San Diego, CA 92109

MAY 17 8 51 AM '88

Diane Griffith
General Counsel
Fair Political Practice Commission
428 J St., Suite 800
Sacramento, CA 95804

Dear Ms. Griffith:

Lemon Grove, CA is a small city east of San Diego with a population of 20,000. The city incorporated in 1977 and they have 5 council members. Council members are elected by popular vote and serve 4 years. The next election is June 7, 1988 and two members are up for re-election.

One councilmember, Karen O'Rourke, was elected in 1986 and has two years left for her term. Her husband, Mark, is now running for a council seat and I would like to know the legality of a husband and wife team on a city council. The husband's campaign is using the same slogan and signs as the wife's previous campaign and citizens think that she is running for re-election.

On February 16, 1988, ATM Services, owned by Clifford Clark, appealed a decision by the Planning Commission, which had voted to deny the company to operate in an area not zoned for that type of business. Mrs. O'Rourke was the only vote for the company. However, in Mark O'Rourke's March financial disclosure statement, Cliff Clark had donated \$250 at the time of the vote.

I am hoping that there is something that the Commission can do, or advise. If the Commission has no rules I hope that some will be written to cover this issue.

Sincerely,



MARIE SCHARFENBERG
(619)584-6580 (confidential)



California Fair Political Practices Commission

June 27, 1988

Daniel H. Lowenstein
UCLA Law School
405 Hilgard
Los Angeles, California 90024

Re: Your Request for Advice
Our File No. A-88-186

Dear Mr. Lowenstein:

You have written requesting advice on behalf of your two clients, Barad & Levine and Voter Guide 88 (BAD Campaigns, Inc.). I provided you with telephone advice prior to the election, and this letter will confirm that advice.

QUESTION

May a slate mailer which is subject to Government Code Section 84305.5 satisfy the name and address and notice to voters requirements by including the sender's address information within the box containing the notice to voters?

CONCLUSION

The separate requirements contained in Government Code Section 84305.5(a)(1) and (a)(2) may not be jointly satisfied. The two requirements are separate and distinct and must be satisfied separately. The notice to voters provision must be strictly adhered to in order to satisfy its requirements.

FACTS

Each of your two clients is a slate mailer organization within the meaning of Government Code Section 82048.5. Each produces slate mailers which support four or more candidates or measures and receives \$500 or more for doing so.

ANALYSIS

The Political Reform Act (the "Act") ^{1/} requires sender identification on political mailings of 200 or more pieces sent by a candidate or a committee. (Section 84305.) Recently enacted amendments impose further requirements where the mailing is made in support of four or more candidates or measures and is made by an entity which is paid to produce the slate mailer. (Sections 82048.3, 82048.5 and 84305.5.)

Section 84305.5 requires that slate mailers contain certain specified information, including the name and address of the slate mailer organization which is sending the slate mailer. The statute also requires that a specified notice to voters be set out in a box. Your question focuses on whether these two requirements can be merged and satisfied by the inclusion of the name and address information within the box containing the notice to voters.

The legislation which enacted these provisions grew out of a series of hearing held by the Commission. Those hearings chronicled various practices involving slate mailers which were viewed by many as being deceptive and abusive. The legislation was introduced in response to these complaints and sought to address some of the concerns.

In order to better identify for the recipient voter the true source of the slate mailer, it is now required that the name and address of the slate mailer organization be included on the outside and on at least one of the inserts of any slate mailer. While this is similar to the sender identification requirement for other political mailers (Section 84305), the requirement goes further by also providing that the name and address must be in at least 8-point roman type in a color or print which contrasts with the background so as to be easily legible. (Section 84305.5(a)(1).) This requirement is more rigorous than that required by Section 84305. It was felt that it was necessary to provide voters with clearer identification of the sender of a slate mailer. In the past, small type and half-toning techniques had been employed to reduce the visibility of this information. This had particularly been a problem with slate mailers, which are often quite crowded with information and various colors.

^{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.

Daniel H. Lowenstein
June 27, 1988
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The legislation also included a separate and distinct requirement for a notice to voters to be included in the slate mailer. Again, there was concern that this notice not be lost amid the clutter of information typically found on slate mailers. Consequently, the required notice must be set apart from all other printed matter and placed in a box. Furthermore, it must be situated at either the top or the bottom of the front side or surface of an insert or on the top or bottom of the front side or surface of a postcard or other self-mailer. (Section 84305.5(a)(2).)

You have pointed out that Section 84305.5(a)(3) permits the name and address required by subdivision (a)(1) and the notice to voters required by subdivision (a)(2) to appear on the same side or surface of an insert. You have argued that it should therefore be permissible to combine the two by inserting the address information into the notice to voters, which already requires inclusion of the name of the slate mailer organization.

We cannot agree. The two requirements are separate and distinct. The fact that the required materials may appear on the same side of an insert certainly cannot be read as permitting them to be merged when placed on a self-mailer, which has no insert. Furthermore, the express requirement of subdivision (a)(2) that the notice to voters be placed in a "printed or drawn box and set apart from any other printed matter" quite clearly requires that nothing else be contained within the box. This was done to avoid dilution of the impact of the notice by obscuring its contents with other extraneous material.

In our telephone conversation you raised a related issue regarding coordination of the Act's requirements with those of federal law.^{2/} As I expressed to you at that time, the Commission unsuccessfully endeavored to achieve some coordination at the time the legislation was moving through the process. We are open to ideas to coordinate state and federal requirements, with the ultimate goal of providing the recipient voter with the most useful and understandable information. We welcome suggestions from either you, your clients, or others toward that end.

^{2/} You also asked whether information required by federal law could be included in the box containing the notice to voters. As stated above, only the information required by subdivision (a)(2) may be included in the box containing the notice to voters.

Daniel H. Lowenstein

June 27, 1988

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I trust that this letter adequately responds to your request for advice. If you have questions regarding its contents, I may be reached at (916) 322-5901. We will forward copies of this letter to all entities who have filed as slate mailer organizations in order to assure uniform compliance with the provisions of Section 84305.5.

Sincerely,

Diane M. Griffiths
General Counsel



by: Robert E. Leidigh
Counsel, Legal Division

DMG:REL:ld