



# California Fair Political Practices Commission

September 29, 1988

Robert L. Grossman  
Director of Communications  
Los Angeles County Office  
of Education  
9300 East Imperial Highway  
Downey, CA 90242-2890

Re: Your Request for Informal  
Assistance  
Our File No. I-88-327

Dear Mr. Grossman:

You have written on behalf of the Los Angeles County Office of Education seeking advice regarding the mass mailing provisions of Government Code Section 89001,<sup>1/</sup> as amended by Proposition 73.

## QUESTIONS

Are newsletters and mass mailings to employees of the Los Angeles County Office of Education and to officials in other county offices throughout the state subject to the prohibition in Government Code Section 89001?

## CONCLUSION

Under Commission emergency Regulation 18901, newsletters and mass mailings sent in the normal course of business by the Los Angeles Office of Education to employees of the Office of Education and to officials in other counties are not prohibited by Government Code Section 89001. The Commission is presently in the process of developing a permanent regulation which may modify this advice.

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<sup>1/</sup> 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.

Robert L. Grossman  
September 29, 1988  
Page -2-

FACTS

The Los Angeles County Office of Education (the "Office") has an employee newsletter which is sent to over 3000 employees of the Office and to selected officials in other counties throughout the state. The Office also publishes a monthly report which is sent to board of education members and administrators in school districts in the county and selected county offices. Occasionally, the report features photos of board members and other elected local and state officials.

ANALYSIS

The mass mailing provisions of the Political Reform Act (Sections 81000-91015) were amended by Proposition 73 on the June 7, 1988 ballot. The Commission has determined that despite the literal reading of these provisions which would appear to prohibit governmental agencies from sending any mass mailings not sent in response to unsolicited requests, certain types of governmental mailings are not prohibited. (See Raye et al. Advice Letters, No. A-88-220, copies enclosed.) At its July 26, 1988, meeting the Commission adopted emergency Regulation 18901 and approved the Raye et al. advice letters. A copy of the emergency regulation is enclosed.

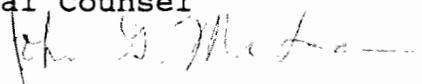
Emergency Regulation 18901 exempts from the mass mailing prohibition any mailings sent in the normal course of business from one governmental entity or officer to another governmental entity or officer. Thus the types of mailings to which you have referred would be permitted.

The Commission is presently in the process of developing a permanent regulation which may modify this advice. We anticipate that the Commission will take action on the permanent regulation in December.

If you have any questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: John G. McLean  
Counsel, Legal Division

JGM:ld:

Enclosure



Los Angeles County Office of Education

August 15, 1988

Stuart E. Gothold  
Superintendent

Los Angeles County  
Board of Education

Lawrence J. Kaplan  
D.D.S., F.I.C.D.  
President

Ruth Bloom  
Vice President

Frank J. Alderete

Mary E. Lewis

Earl V. Pullias

Daniel L. Towler

Michaelene D. Wagner

Fair Political Practices Commission  
Legal Division  
P.O. Box 807  
Sacramento, CA 95804-0807

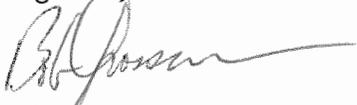
Dear Commissioners:

The Los Angeles County Office of Education requests advice on the following questions pertaining to Regulation 18901 and Proposition 73 passed by California voters in June. The Board of Education members and Superintendent of the L.A. County Office of Education are appointed by the L.A. County Board of Supervisors. They are not elected officials.

1. Are newsletters and mass mailings to employees of an agency (ie. a school district or county office of education) exempt from the ruling in Regulation 18901(b)(3)? Specific: The Los Angeles County Office of Education has an employee newsletter sent to over 3000 employees of the office and to selected officials in other county offices throughout the state. Many school districts have a similar newsletter.

2. Are regularly published newsletters which are sent to officials in other agencies (ie. school districts and county offices) exempt from the ruling per Regulation 18901(c)(2)? Specific: The Los Angeles County Office of Education publishes a monthly Board Report which is sent to board of education members and administrators in school districts in the county and selected county offices. Occasionally, we feature photos and cutlines which picture board members and other elected local and state officials.

Please send your advice on these two items as quickly as possible. I would like to inform school districts in Los Angeles County on the issues and set up guidelines for my own department to follow the regulations.

Regards,  
  
Robert L. Grossman  
Director of Communications

RLG:v

19  
88-327



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

1020 N STREET, SACRAMENTO, CALIFORNIA  
(PO. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)

(916) 445-3956

JUL 13 3 01 PM '88

WILLIAM M. BENNETT  
First District, Kentfield

CONWAY H. COLLIS  
Second District, Los Angeles

ERNEST J. DRONENBURG, JR.  
Third District, San Diego

PAUL CARPENTER  
Fourth District, Los Angeles

GRAY DAVIS  
Controller, Sacramento

CINDY RAMBO  
Executive Director

July 12, 1988

Ms. Diane M. Griffiths  
General Counsel  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804-0807

Request for opinion - mass mailings

Dear Ms. Griffiths:

As you are aware, the provisions of Proposition 73 related to mass mailings, specifically the amendments to Sections 82041.5 and 89001 of the Government Code, went into immediate effect when Proposition 73 was approved by the voters on June 7, 1988. In order to comply with the provisions of Proposition 73 and to carry out our ongoing operations at the Board of Equalization, we respectfully request that your office issue an expedited opinion regarding our understanding that these provisions do not prohibit three types of mass mailings routinely sent by elected Members of the Board.

The Board Members administer, among other programs, the Sales and Use Tax Law. Over 800,000 California taxpayers hold seller's permits issued by the Board. All of these taxpayers are required to file periodic sales and use tax returns with the Board, post appropriate security for the payment of tax as required by the Board, and make their records available for audit when demanded by the Board. (Revenue and Taxation Code Sections 6066, 6452, 6701, 7054).

In carrying out their functions as members of the governing body of the Board, the Board Members routinely send out form letters over their signature which relate to these functions. There are three types of mass-mailed (over 200 per month) form letters with which we are immediately concerned.

The first type deals with the release of security deposits and surety bonds. Examples of this type of form letter are attached as Exhibits A1 and A2. Exhibit A1 is a form letter signed by a Board Member which informs a taxpayer that the Board will release the taxpayer's security deposit. Exhibit A2 is a similar letter which informs the taxpayer that the Board will not require renewal of the taxpayer's surety bond.

A second type of form letter relates to the conduct of Board audits of taxpayers. Examples of this type of form letter are attached as Exhibits B1 and B2. These form letters ask taxpayers to fill out and return to the Board Member a confidential audit survey postcard included with the letter, and also inform the taxpayers what steps they can take if they disagree with the Board's audit findings. The fact that the audit survey postcards are returned to an elected member of the Board, rather than Board staff, encourages a higher response rate than might otherwise occur.

A third type of form letter announces Taxpayer Assistance Days. Examples of this type of form letter are attached as Exhibits C1 and C2.

Our view is that these three types of form letters dealing with security, audits, and assistance are in compliance with the law since they fall within the exception to the prohibition on mass mailings described in subdivision (d)(4) of Regulation 18901, Prohibition on Newsletters or Mass Mailings, as currently adopted by the FPPC. That regulation provides several specific exceptions from the definition of a mass mailing. Subdivision (d)(4) of the regulation provides that a mass mailing does not include:

"(4) Mailings to persons subject to a government program administered by a governmental officer when such mailings are essential to the functioning of the program".

Each Board Member is mandated to investigate his district's administration, enforcement and operation of all laws, the administration and enforcement of which are vested in the Board. (Government Code Section 15623).

As you may know, California is divided into four Equalization Districts. Each district is very large (see map enclosed) and the audit survey and related or similar surveys by mail are essential to the performance of the Board Members' duties.

We note that these types of form letters are sent only to taxpayers registered with the Board and subject to the Sales and Use Tax Law, and relate only to matters which are essential to the functioning of that tax program, namely the release of the taxpayer's security, the conduct of Board audits of the taxpayer, and taxpayer assistance.

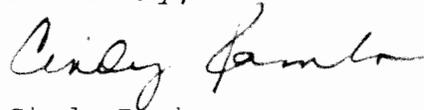
Ms. Diane M. Griffiths

-3-

July 12, 1988

We appreciate your prompt response to this inquiry, since these types of form letters are mailed in ongoing mailing programs.

Sincerely,



Cindy Rambo  
Executive Director

CR:jb

cc: Honorable Ernest J. Dronenburg, Jr.  
Honorable Conway H. Collis  
Honorable William M. Bennett  
Honorable Paul Carpenter  
Honorable Gray Davis



STATE OF CALIFORNIA

## STATE BOARD OF EQUALIZATION

1010 N STREET, SACRAMENTO, CALIFORNIA

P.O. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)

Telephone: (916) 445-4154

WILLIAM M. BENNETT  
First District, KentfieldCONWAY H. COLLIS  
Second District, Los AngelesERNEST J. DRONENBURG, JR.  
Third District, San DiegoPAUL CARPENTER  
Fourth District, Los AngelesGRAY DAVIS  
Controller, SacramentoCINDY RAMBO  
Executive Director

Your security deposit was posted to insure compliance with the Revenue and Taxation Code.

Throughout the years, you have made timely returns and payments of your tax obligations. In recognition of this good record, we are pleased to release your security deposit.

Sincerely,

A handwritten signature in cursive script that reads "Conway Collis".

Conway H. Collis  
Member  
State Board of Equalization

0108c  
CHC:

Enclosure:  
Refund Warrant  
Savings and Loan Certificate  
Investment Certificate



STATE OF CALIFORNIA

## STATE BOARD OF EQUALIZATION

1020 N STREET, SACRAMENTO, CALIFORNIA  
 (P.O. BOX 1799, SACRAMENTO, CALIFORNIA 95808)

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 Third District, San Diego

RICHARD NEVINS  
 Fourth District, Pasadena

KENNETH CORY  
 Controller, Sacramento

DOUGLAS D. BELL  
 Executive Secretary

IN REPLY REFER TO:

Your security was posted in accordance with the Board's policy to insure compliance with the Revenue and Taxation Code. Throughout the years you have made timely returns and payments of your tax obligations.

In recognition of your established good record, the Board will not require renewal of your Surety Bond beyond its next anniversary date of \_\_\_\_\_. However, the bond is continuous until cancelled in writing by the bonding company.

You should, therefore, ask your insurance agent or broker to have the bonding company cancel the bond effective as of the anniversary date.

If you send the copy of this letter to your agent or broker so that it may be returned to us with the bonding company's Notice of Cancellation, at least thirty (30) days before the anniversary date, you may avoid unearned premium charges.

Sincerely,

William M. Bennett  
 Member  
 State Board of Equalization

WMB:

**PAUL CARPENTER**  
MEMBER  
STATE BOARD OF EQUALIZATION



Dear Friend:

As a Member of the State Board of Equalization, I am committed to insuring that our State agency is the best in California.

As you know, we recently completed an audit of your business, and I want to know how you feel that audit was handled.

- In order to make improvements, it is important that I learn first-hand how we can improve our procedures to better serve both the business community and the taxpayers of our state.

I hope you will take a few moments to fill out the enclosed postage-paid survey card, and return it directly to me, along with any suggestions you may have regarding how the Board of Equalization can better serve your needs.

Sincerely,

A handwritten signature in cursive script that reads "Paul Carpenter".

Paul Carpenter

P.S. If your audit indicated that additional taxes were due, and you disagree with that finding, be sure that you file for a redetermination AFTER you receive the Board's formal request for payment. All information necessary for an appeal will be included in the letter.

**STATE BOARD OF EQUALIZATION AUDIT SURVEY**

Was your audit carried out in a courteous and professional manner?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were the results of the audit, and, if appropriate, the Board's appeal process, explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you had questions concerning audit methods/techniques, were they explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were your questions concerning tax laws answered to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has any Board employee acted in any manner that you consider inappropriate?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered yes, please attach an additional explanation.

Comments \_\_\_\_\_  
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From:

(FOLD ALONG DOTTED LINE AND SEAL WITH TAPE DO NOT STAPLE NO POSTAGE NECESSARY)

**CONFIDENTIAL**



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**  
FIRST CLASS PERMIT NO. 199 SACRAMENTO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

**PAUL CARPENTER, MEMBER**  
STATE BOARD OF EQUALIZATION  
4040 PARAMOUNT BLVD SUITE 103  
PO BOX 879  
LAKEWOOD CA 90714-9980





**ERNEST J. DRONENBURG, JR.**  
CHAIRMAN, STATE BOARD OF EQUALIZATION  
MEMBER, FRANCHISE TAX BOARD

Dear California Businessman:

As you know, the State Board of Equalization recently completed an audit of your business. As Chairman of this Board and sponsor of the Taxpayer Bill of Rights, I am concerned with our agency and its efficiency. I want to insure that it is the best in California, and for this reason, I am asking for your opinion of the handling of your audit.

In order to keep the Board an effective arm of the government, I must learn from you how we can improve our procedures to better serve both the business community and the taxpayers of California. I hope you will take a few moments to fill out the enclosed survey card and return it directly to me, along with any suggestions you may have regarding how the Board of Equalization can better serve your needs.

If your audit indicated that additional taxes were due, and you disagree with that finding, be sure that you file for a redetermination AFTER you receive the Board's formal request for payment. All information necessary for an appeal will be included in the letter.

Most cordially,

A handwritten signature in cursive script, reading "Ernest J. Dronenburg, Jr.", is written over a faint, illegible typed name.

Ernest J. Dronenburg, Jr.  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

From:

FOLD ALONG DOTTED LINE AND SEAL WITH TAPE DO NOT STAPLE NO POSTAGE NECESSARY



AFFIX  
STAMP  
HERE

**CONFIDENTIAL**

ERNEST J. DRONENBURG, JR., MEMBER  
STATE BOARD OF EQUALIZATION  
1020 N ST ROOM 111  
P O BOX 942879  
SACRAMENTO CA 94279-0001



**STATE BOARD OF EQUALIZATION AUDIT SURVEY**

Was your audit carried out in a courteous and professional manner?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were the results of the audit, and, if appropriate, the Board's appeal process, explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you had questions concerning audit methods/techniques, were they explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were your questions concerning tax laws answered to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has any Board employee acted in any manner that you consider inappropriate?

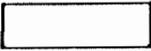
Yes \_\_\_\_\_ No \_\_\_\_\_

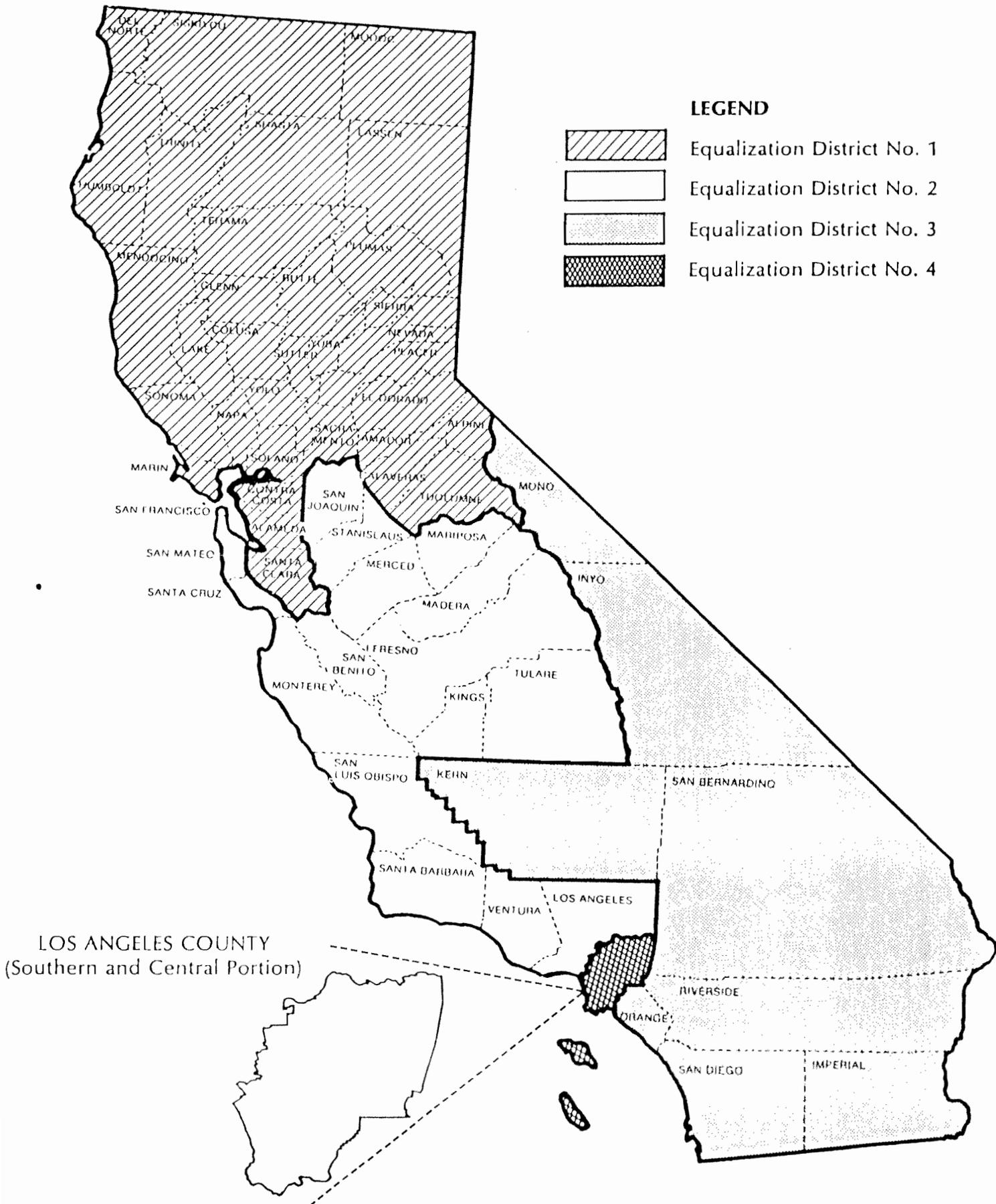
If you answered yes, please attach an additional explanation.

Comments \_\_\_\_\_  
\_\_\_\_\_  
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# EQUALIZATION DISTRICTS CALIFORNIA STATE BOARD OF EQUALIZATION

## LEGEND

-  Equalization District No. 1
-  Equalization District No. 2
-  Equalization District No. 3
-  Equalization District No. 4



**Sometimes business taxes are just plain confusing . . .**

**Sometimes they don't seem fair.**

**The Board of Equalization is here to do more than just collect taxes. We're also here to help.**

**On Thursday, February 27, 1986, Conway Collis, your representative on the Board, will be in the Fresno board office. If you're having a problem, seeking clarification, or just looking for a quick answer, Mr. Collis and Board staff will be pleased to help. Just call Cheryl at 445-5192 to arrange a time for us to deal with your concerns.**

**This invitation doesn't mean that anything is wrong. If you don't need help or advice now, keep us in mind for the future.**

EXHIBIT C1

An Invitation from . . .

**Conway Collis  
Chairman  
State Board of Equalization**

If you need help with a State tax problem—sales or income tax—you're invited to attend the **Taxpayer Assistance Day** I'm holding in your area on:

Wednesday, September 30, 1987 (Culver City)

Thursday, October 1, 1987 (Van Nuys)

A top-level staff of experts has been assembled to assist you with simple or complex State tax problems or questions. Remember to bring any background information that may be useful. Please call to reserve a time at the locations below.

Place: 3861 Sepulveda Blvd., 2nd Floor, Culver City  
Kristie (213) 451-5770

**OR**

6150 Van Nuys Blvd. (State Bldg.), Rm. 205, Van Nuys  
Kristie (213) 451-5770

Hours: 8:30 a.m. — 5 p.m. OPEN THROUGH LUNCH



# California Fair Political Practices Commission

July 18, 1988

Cindy Rambo  
State Board of Equalization  
P.O. Box 942879  
Sacramento, CA 94279-0001

Re: 88-272

Dear Ms. Rambo:

Your letter requesting advice under the Political Reform Act was received on July 15, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

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 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,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

1020 N STREET, SACRAMENTO, CALIFORNIA  
(P.O. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)

(916) 445-3956

JUL 15 10 51 AM '88

WILLIAM M. BENNETT  
First District, Kentfield

CONWAY H. COLLIS  
Second District, Los Angeles

ERNEST J. DRONENBURG, JR.  
Third District, San Diego

PAUL CARPENTER  
Fourth District, Los Angeles

GRAY DAVIS  
Controller, Sacramento

CINDY RAMBO  
Executive Director

July 12, 1988

Ms. Diane M. Griffiths  
General Counsel  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804-0807

Request for opinion - mass mailings

Dear Ms. Griffiths:

As you are aware, the provisions of Proposition 73 related to mass mailings, specifically the amendments to Sections 82041.5 and 89001 of the Government Code, went into immediate effect when Proposition 73 was approved by the voters on June 7, 1988. In order to comply with the provisions of Proposition 73 and to carry out our ongoing operations at the Board of Equalization, we respectfully request that your office issue an expedited opinion regarding our understanding that these provisions do not prohibit three types of mass mailings routinely sent by elected Members of the Board.

The Board Members administer, among other programs, the Sales and Use Tax Law. Over 800,000 California taxpayers hold seller's permits issued by the Board. All of these taxpayers are required to file periodic sales and use tax returns with the Board, post appropriate security for the payment of tax as required by the Board, and make their records available for audit when demanded by the Board. (Revenue and Taxation Code Sections 6066, 6452, 6701, 7054).

In carrying out their functions as members of the governing body of the Board, the Board Members routinely send out form letters over their signature which relate to these functions. There are three types of mass-mailed (over 200 per month) form letters with which we are immediately concerned.

The first type deals with the release of security deposits and surety bonds. Examples of this type of form letter are attached as Exhibits A1 and A2. Exhibit A1 is a form letter signed by a Board Member which informs a taxpayer that the Board will release the taxpayer's security deposit. Exhibit A2 is a similar letter which informs the taxpayer that the Board will not require renewal of the taxpayer's surety bond.

A second type of form letter relates to the conduct of Board audits of taxpayers. Examples of this type of form letter are attached as Exhibits B1 and B2. These form letters ask taxpayers to fill out and return to the Board Member a confidential audit survey postcard included with the letter, and also inform the taxpayers what steps they can take if they disagree with the Board's audit findings. The fact that the audit survey postcards are returned to an elected member of the Board, rather than Board staff, encourages a higher response rate than might otherwise occur.

A third type of form letter announces Taxpayer Assistance Days. Examples of this type of form letter are attached as Exhibits C1 and C2.

Our view is that these three types of form letters dealing with security, audits, and assistance are in compliance with the law since they fall within the exception to the prohibition on mass mailings described in subdivision (d)(4) of Regulation 18901, Prohibition on Newsletters or Mass Mailings, as currently adopted by the FPPC. That regulation provides several specific exceptions from the definition of a mass mailing. Subdivision (d)(4) of the regulation provides that a mass mailing does not include:

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As you may know, California is divided into four Equalization Districts. Each district is very large (see map enclosed) and the audit survey and related or similar surveys by mail are essential to the performance of the Board Members' duties.

We note that these types of form letters are sent only to taxpayers registered with the Board and subject to the Sales and Use Tax Law, and relate only to matters which are essential to the functioning of that tax program, namely the release of the taxpayer's security, the conduct of Board audits of the taxpayer, and taxpayer assistance.

Ms. Diane M. Griffiths

-3-

July 12, 1988

We appreciate your prompt response to this inquiry, since these types of form letters are mailed in ongoing mailing programs.

Sincerely,



Cindy Rambo  
Executive Director

CR:jb

cc: Honorable Ernest J. Dronenburg, Jr.  
Honorable Conway H. Collis  
Honorable William M. Bennett  
Honorable Paul Carpenter  
Honorable Gray Davis



STATE OF CALIFORNIA

## STATE BOARD OF EQUALIZATION

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Third District, San DiegoPAUL CARPENTER  
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Controller, SacramentoCINDY RAMBO  
Executive Director

Your security deposit was posted to insure compliance with the Revenue and Taxation Code.

Throughout the years, you have made timely returns and payments of your tax obligations. In recognition of this good record, we are pleased to release your security deposit.

Sincerely,

A handwritten signature in cursive script that reads "Conway Collis".  
Conway H. Collis  
Member  
State Board of Equalization0108c  
CHC:Enclosure:  
Refund Warrant  
Savings and Loan Certificate  
Investment Certificate



STATE OF CALIFORNIA

## STATE BOARD OF EQUALIZATION

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RICHARD NEVINS  
 Fourth District, Pasadena

KENNETH CORY  
 Controller, Sacramento

DOUGLAS D. BELL  
 Executive Secretary

IN REPLY REFER TO:

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In recognition of your established good record, the Board will not require renewal of your Surety Bond beyond its next anniversary date of \_\_\_\_\_. However, the bond is continuous until cancelled in writing by the bonding company.

You should, therefore, ask your insurance agent or broker to have the bonding company cancel the bond effective as of the anniversary date.

If you send the copy of this letter to your agent or broker so that it may be returned to us with the bonding company's Notice of Cancellation, at least thirty (30) days before the anniversary date, you may avoid unearned premium charges.

Sincerely,

William M. Bennett  
 Member  
 State Board of Equalization

WMB:

**PAUL CARPENTER**  
MEMBER  
STATE BOARD OF EQUALIZATION



Dear Friend:

As a Member of the State Board of Equalization, I am committed to insuring that our State agency is the best in California.

As you know, we recently completed an audit of your business, and I want to know how you feel that audit was handled.

In order to make improvements, it is important that I learn first-hand how we can improve our procedures to better serve both the business community and the taxpayers of our state.

I hope you will take a few moments to fill out the enclosed postage-paid survey card, and return it directly to me, along with any suggestions you may have regarding how the Board of Equalization can better serve your needs.

Sincerely,

A handwritten signature in black ink that reads "Paul Carpenter".

Paul Carpenter

P.S. If your audit indicated that additional taxes were due, and you disagree with that finding, be sure that you file for a redetermination AFTER you receive the Board's formal request for payment. All information necessary for an appeal will be included in the letter.



**ERNEST J. DRONENBURG, JR.**  
CHAIRMAN, STATE BOARD OF EQUALIZATION  
MEMBER, FRANCHISE TAX BOARD

Dear California Businessman:

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Most cordially,

A handwritten signature in cursive script, reading "Ernest J. Dronenburg, Jr.", written in black ink.

Ernest J. Dronenburg, Jr.  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

From:

(FOLD ALONG DOTTED LINE AND SEAL WITH TAPE. DO NOT STAPLE. NO POSTAGE NECESSARY.)



AFFIX  
STAMP  
HERE

**CONFIDENTIAL**

**ERNEST J. DRONENBURG, JR., MEMBER**  
STATE BOARD OF EQUALIZATION  
1020 N ST ROOM 111  
P O BOX 942879  
SACRAMENTO CA 94279-0001



**STATE BOARD OF EQUALIZATION AUDIT SURVEY**

Was your audit carried out in a courteous and professional manner?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were the results of the audit, and, if appropriate, the Board's appeal process, explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you had questions concerning audit methods/techniques, were they explained to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Were your questions concerning tax laws answered to your satisfaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

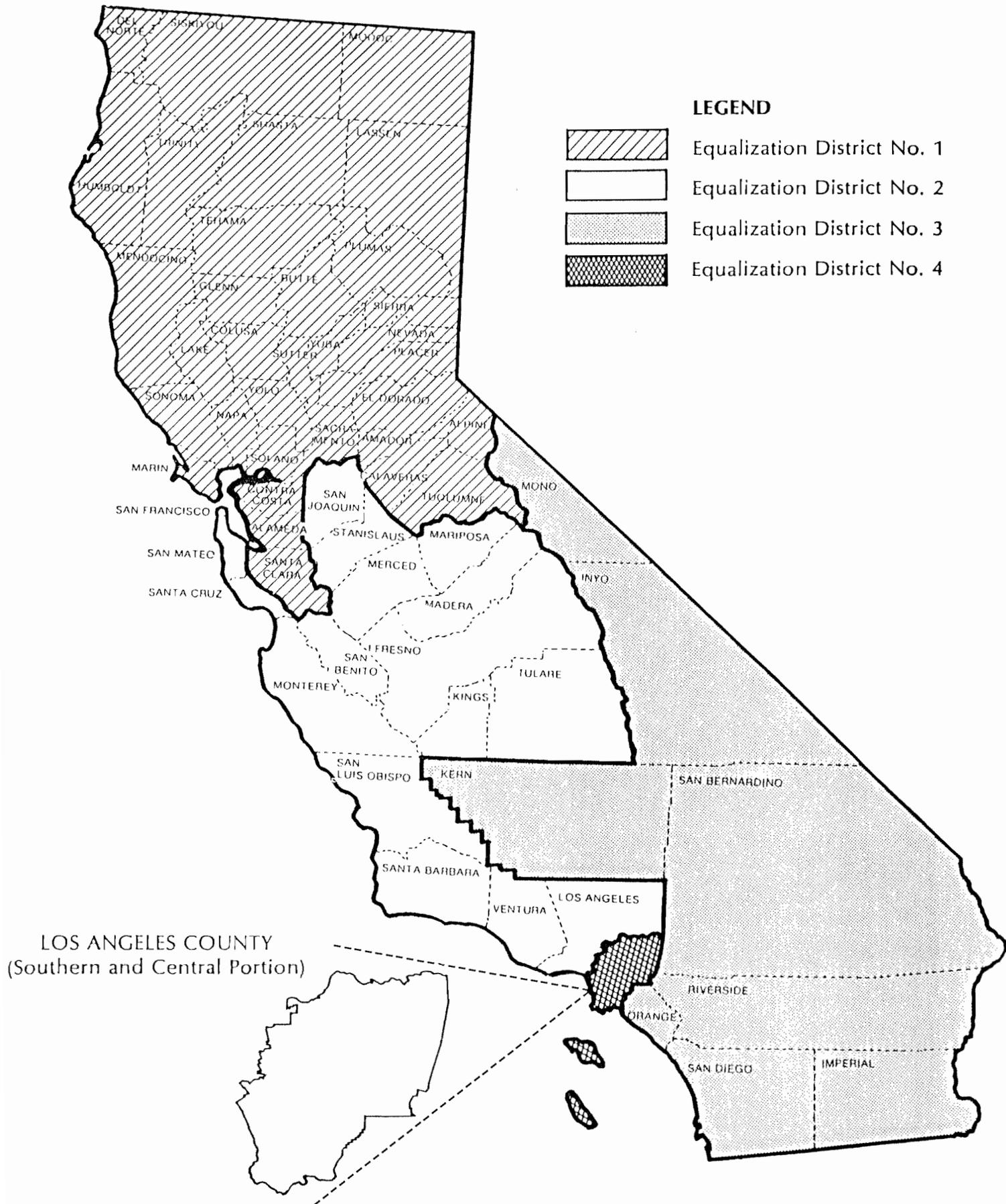
Has any Board employee acted in any manner that you consider inappropriate?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered yes, please attach an additional explanation.

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EQUALIZATION DISTRICTS CALIFORNIA STATE BOARD OF EQUALIZATION



**Sometimes business taxes are just plain confusing . . .**

**Sometimes they don't seem fair.**

**The Board of Equalization is here to do more than just collect taxes. We're also here to help.**

**On Thursday, February 27, 1986, Conway Collis, your representative on the Board, will be in the Fresno board office. If you're having a problem, seeking clarification, or just looking for a quick answer, Mr. Collis and Board staff will be pleased to help. Just call Cheryl at 445-5192 to arrange a time for us to deal with your concerns.**

**This invitation doesn't mean that anything is wrong. If you don't need help or advice now, keep us in mind for the future.**

EXHIBIT C1

An Invitation from . . .

**Conway Collis  
Chairman  
State Board of Equalization**

If you need help with a State tax problem—sales or income tax—you're invited to attend the **Taxpayer Assistance Day** I'm holding in your area on:

Wednesday, September 30, 1987 (Culver City)

Thursday, October 1, 1987 (Van Nuys)

A top-level staff of experts has been assembled to assist you with simple or complex State tax problems or questions. Remember to bring any background information that may be useful. Please call to reserve a time at the locations below.

Place: 3861 Sepulveda Blvd., 2nd Floor, Culver City  
Kristie (213) 451-5770

**OR**

6150 Van Nuys Blvd. (State Bldg.), Rm. 205, Van Nuys  
Kristie (213) 451-5770

Hours: 8:30 a.m. — 5 p.m. OPEN THROUGH LUNCH



# California Fair Political Practices Commission

October 6, 1988

Lisa E. Kranitz  
Burke, Williams & Sorensen  
Legal Counsel for SCAG  
One Wilshire Building  
624 South Grand Avenue, 11th Floor  
Los Angeles, California 90017

Re: Your Request for Advice  
Our File No. I-88-275

Dear Ms. Kranitz:

You have written on behalf of your client, the Southern California Association of Governments ("SCAG") to request guidance with regard to application of Government Code Section 89001,<sup>1/</sup> as amended by Proposition 73, to mass mailings sent out by SCAG.

## QUESTIONS

1. Does the president of SCAG's executive committee constitute an elected officer for purposes of the restrictions of Section 89001?

2. Does Section 89001 prohibit SCAG from sending out 200 or more letters to city councilmembers, county supervisors and other federal, state and local officials under a signature of the president of the executive committee?

3. Does Section 89001 prohibit SCAG from sending out 200 or more documents such as regional air plans to city councilmembers, county supervisors and other federal, state and local officials under cover letter signed by the president of the executive committee?

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<sup>1/</sup> 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.

Lisa E. Kranitz  
October 6, 1988  
Page 2

4. Does Section 89001 prohibit SCAG from sending out 200 or more letters, notices of informational meetings or plans to the public, including community activists and public interest groups who have not made an unsolicited request for those materials?

5. Does Section 89001 prohibit SCAG from sending out a newsletter to city councilmembers, county supervisors and interested members of the public when that newsletter contains a column signed by the president of the executive committee?

#### CONCLUSIONS

1. The president of SCAG's executive committee is an elected officer for purposes of Section 89001. Thus, if a mailing is otherwise prohibited by Section 89001, it is not exempted simply because the elected officer is acting in the appointed capacity of president of SCAG's executive committee.

2. Section 89001 would not prevent SCAG from sending mailings in the normal course of business to other governmental agencies or officials even if signed by the president of the executive committee.

3. Section 89001 would not prevent SCAG from sending such mailings in the normal course of business to other governmental agencies or officials.

4. Section 89001 would prohibit the sending of such a mailing only if the mailing includes in its contents a reference, including photograph or signature, to the president of the executive committee or any of SCAG's other elected officers. The mailing may be sent if the only mention of elected officers is in the SCAG standard letterhead.

5. Section 89001 would prohibit such a mailing if it includes 200 or more pieces sent to the public, not in response to unsolicited requests.

#### FACTS

The SCAG Executive Committee consists of several elected officers who serve on the executive committee by appointment. Currently, the president of the executive committee is a councilmember from the City of Buena Park.

SCAG makes numerous mailings, some of which have traditionally been signed by the president of the executive committee. Some of those mailings are sent only to other governmental entities or officials. Some are also sent to members of the public. These mailings are not sent in response to unsolicited requests from the recipients.

Lisa E. Kranitz  
October 6, 1988  
Page 3

### ANALYSIS

The Political Reform Act (Sections 81000-91015) was amended by Proposition 73 on the June 7, 1988 ballot. The amendments made to Section 82041.5 (definition of mass mailing) and to Section 89001 (mass mailings sent at public expense) took effect immediately. (See Raye et al., Advice Letters, No. 88-220, copies enclosed.)

The Commission has determined that despite the literal reading of these two sections, which would appear to prohibit governmental agencies from sending any mass mailings not sent in response to unsolicited requests, certain types of governmental mailings are not prohibited. Id. At the July 26, 1988 meeting the Commission adopted an emergency regulation and approved the Raye et al. advice letters. A copy of the emergency regulation is enclosed.

It is the Commission's view that a mass mailing which is sent by an agency with which an elected officer is affiliated is one which is covered by Section 89001. This is true whether or not the elected officer is elected or appointed to his or her position with that agency. He or she is still an elected officer. (Section 82020.) The opportunity for furthering the elected officer's image and name recognition is still present.

Consequently, in response to your first inquiry, if a mailing is otherwise prohibited by Section 89001, it is not exempted simply because the elected officer is appointed to the SCAG Executive Committee.

We turn then to the specific mailings about which you have inquired. In response to your second inquiry, Section 89001 would not prevent SCAG from sending mailings in the normal course of business to other governmental agencies or officials, even if signed by the president of the executive committee, who is an elected city councilmember.

Your third question is a variation on the second question. The communication would be sent in the normal course of business to other governmental officers or agencies; therefore, it would be exempt and the transmittal letter could be signed by the president of the executive committee.

Your fourth question does not specify whether the mailing would include the name of the president or any other reference, including his or her signature, in its contents. If none would be included, then a mailing to interested persons of notices or agendas would be permitted. (Regulation 18901(b).) However, if the president was to sign a cover letter or notice, that would cause the mailing to be subject to Section 89001's

Lisa E. Kranitz  
October 6, 1988  
Page 4

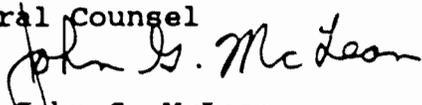
restrictions, unless the president's signature was a necessary part of a legally required notice. (See Raye, et al. advice letters and In re Miller (1978) 4 FPPC Ops. 26, No. 77-032, copy enclosed.) If that is the case, the mailings would be permitted under Regulation 18901(c)(5).

Your last question regards a newsletter sent both to other public agencies and to members of the public. It would contain a column signed by the president. This mailing would not be permitted under Section 89001 if it exceeds 200 or more pieces in a calendar month sent to members of the public. (Regulation 18901; Raye, et al. advice letters.)

I trust that the foregoing has been helpful to you in assessing SCAG's mass mailing programs. You should be aware that the Commission will be considering the adoption of a permanent regulation on this subject at the December meeting. I enclose a copy of the staff memorandum on the pre-notice discussion which occurred at the September 8 meeting of the Commission. A copy of the noticed regulation will be forwarded to you at a future date.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: John G. McLean  
Counsel, Legal Division

DMG:JGM:ld

Enclosures

LAW OFFICES  
**BURKE, WILLIAMS & SORENSEN**

ONE WILSHIRE BUILDING

950 COUNTY SQUARE DRIVE  
SUITE 207  
VENTURA, CALIFORNIA 93003  
(805) 644-7480

624 SOUTH GRAND AVENUE, 11TH FLOOR  
LOS ANGELES, CALIFORNIA 90017  
(213) 623-1900

3200 PARK CENTER DRIVE  
SUITE 650  
COSTA MESA, CALIFORNIA 926  
(714) 545-5559

TELECOPIER: (213) 623-6297

September 1, 1988

Diane Griffiths  
General Counsel  
Fair Political Practices Commission  
928 J. Street  
Suite 800  
P.O. Box 807  
Sacramento, California 95804-0807

Re: Application Of Proposition 73 To Councils Of  
Governments

Dear Ms. Griffiths:

We have received and read with interest the Commission's August 17, 1988 update on Proposition 73 and 68. We have some concern however that the Commission has not addressed the issues raised in our July 12, 1988 letter regarding Proposition 73 applicability to a Council of Governments' (COGs) Executive Committee. As indicated in our previous letter (copy attached) a COG's Executive Committee is made up of various city councilmembers and county supervisors who are appointed to their position on the Executive Committee.

We believe that the update of August 17, 1988 and the amendment to Regulation 18901 answer our second and third questions in the negative. However, we still believe that the answers to the first, fourth and fifth questions are equally important and should be addressed and answered by the Committee at one of the scheduled future hearings.

SEP 1 1988  
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Diane Griffiths  
September 1, 1988  
Page 2

We also request a written response to all of the questions raised in the letter.

Thank you for your consideration of these issues. We look forward to your reply. Please feel free to contact me if I can be of any assistance in this matter.

Very truly yours,



LISA E. KRANITZ  
For BURKE, WILLIAMS & SORENSEN  
Legal Counsel for SCAG

lek:am  
Enclosure  
cc: Colin Lennard  
John McLean  
Mark Pisano  
Lou Moret  
Anne Baker  
lek/LTR8709

LAW OFFICES  
**BURKE, WILLIAMS & SORENSEN**

ONE WILSHIRE BUILDING

950 COUNTY SQUARE DRIVE  
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(213) 623-1900

TELECOPIER: (213) 623-8297

3200 PARK CENTER DRIVE  
SUITE 650  
COSTA MESA, CALIFORNIA 92626  
(714) 545-5559

July 12, 1988

Mr. John Larson  
Chairman  
Fair Political Practices Commission  
428 J. Street  
Suite 800  
Sacramento, California 95814

Re: Proposition 73's Application To A Regional Council  
of Governments

Dear Mr. Larson:

This letter is written in follow-up to a conversation with Mr. John McLean last week regarding the applicability of Proposition 73 to the Southern California Association of Governments ("SCAG"). SCAG is a regional council of governments which covers six counties in the Southern California region. SCAG has an Executive Committee which consists of various city councilmembers and county supervisors. Although these individuals are elected to the position in their respective local jurisdictions, they are appointed to SCAG's Executive Committee.

SCAG sends out various materials to various individuals and groups, often under signature of the President of the Executive Committee. The signature only states that the individual is President of the Executive Committee; no mention is made of the individual's elected position. Currently the President is a councilmember from the City of Buena Park. It is our hope that you will consider the following questions at your meeting on July 26, 1988:

1) Does the President of SCAG's Executive Committee constitute an elected officer for purposes of Proposition 73? Assuming the answer is yes;

Mr. John Larson  
July 12, 1988  
Page 2

2) Does Proposition 73 prohibit SCAG from sending out letters to city councilmembers, county supervisors and other federal, state and local officials under signature of the President or would this come under the exemption of communication with other governmental entities;

3) Does Proposition 73 prohibit SCAG from sending such documents as regional air plans to city councilmembers, county supervisors and other federal, state and local officials under cover letter signed by the President of the Executive Committee or would this come under the exemption of communication with other governmental entities;

4) Does Proposition 73 prohibit SCAG from sending out letters, notices of informational meetings (such as when SCAG held workshops on the draft Regional Housing Needs Assessment) or plans to the public, including community activists and public interest groups such as the Sierra Club; and

5) Does Proposition 73 prohibit SCAG from sending out a newsletter to city councilmembers, county supervisors and interested members of the public when that newsletter contains a column signed by the President of the Executive Committee?

It is our belief that Proposition 73 would not apply to any item sent out by SCAG which bears the signature of the President, as the Executive Committee is chosen by appointment and not elected. The primary thrust of Proposition 73 was to prohibit the use of public moneys for the purpose of seeking elective office; material sent out under the signature of the President of the Executive Committee, without any reference to the individual's elective office, would not further the seeking of elective office. This is especially true in light of the fact that the mailings reach a much broader audience than those in the President's own jurisdiction.

Mr. John Larson  
July 12, 1988  
Page 3

We thank you very much for your consideration of these issues at your July 26, 1988 meeting and we look forward to your response. Please feel free to contact me if I can be of any assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lisa E. Kranitz", written in black ink. The signature is fluid and extends across the width of the page.

LISA E. KRANITZ  
For BURKE, WILLIAMS & SORENSEN  
Legal Counsel for SCAG

lek/am  
cc: Colin Lennard  
Anne Baker, SCAG  
John McLean  
lek/LTR8710



# California Fair Political Practices Commission

July 18, 1988

Lisa E. Kranitz  
Burke, Williams & Sorensen  
One Wilshire Building  
625 South Grand Avenue, 11th Floor  
Los Angeles, CA 90017

Re: 88-275

Dear Ms. Kranitz:

Your letter requesting advice under the Political Reform Act was received on July 13, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

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 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,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh



# California Fair Political Practices Commission

October 7, 1988

Ed Barney  
General Supervisor of Recreation  
City of Daly City  
111 Lake Merced Boulevard  
Daly City, CA 94015

Re: Your Request For Advice  
Our File No. A-88-301

Dear Mr. Barney:

You have requested advice about application of Section 89001 of the Political Reform Act (the "Act")<sup>1/</sup>, as amended by recently enacted Proposition 73, to two City of Daly City publications: the Doelger Senior Center News and Program guide of July-September 1988 and the Department of Parks and Recreation Activities Guide of Summer 1988.

## QUESTION

Do both brochures comply with Section 89001 as amended by Proposition 73?

## CONCLUSION

The city may not refer to an elected officer by name, signature or photograph in a mass mailing. Therefore, the city may not publish the mayor's letter in the Department of Parks and Recreation Activities Guide. The city, however, may

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<sup>1/</sup> 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.

publish a letter from an appointed official. Consequently, the city may publish a letter signed by the chairman of the Parks and Recreation Commission.

The city may list the names of elected officers in a standard roster-type listing, as long as names of all elected officers are in the same type size and typeface. The roster-type listings of city officials in the Doelger Senior Center News and Program brochure and the Parks and Recreation Activities Guide are permitted under amended Section 89001.

On December 6, 1988 the Commission plans to consider adoption of a permanent regulation concerning mass mailings. You should be aware that present advice may change after that date.

#### FACTS

The City of Daly City Doelger Senior Center publishes a News and Program guide. The July through September 1988 guide lists city councilmembers on page 13. Councilmembers' names appear in the same type size and typeface as all other persons listed on page 13. To our knowledge, the guide does not refer to any other elected officers.

The Department of Parks and Recreation published a Summer 1988 Activities Guide. On page 2, the activities guide has letters signed by the mayor of the city and the appointed chairman of the Parks and Recreation Commission. Otherwise, names of elected officers are listed in a roster-type listing in the same type size and typeface as other city officials.

#### ANALYSIS

California electors enacted Proposition 73 on June 7, 1988. Proposition 73 includes amendments to Sections 89001 and 82041.5 of the Act. These amendments took effect on June 8, 1988.

Section 89001 now reads:

89001. No newsletter or other mass mailing shall be sent at public expense.

Section 82041.5 reads:

82041.5. "Mass mailing" means two hundred or more substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

These two sections could be construed to ban all mailings at public expense of 200 or more substantially similar documents. On July 26, 1988, however, the Commission adopted an emergency regulation and approved interim advice that allows public agencies to send certain mass mailings at public expense. (Regulation 18901; Raye Advice Letters, No. A-88-220, copies enclosed.) In the following paragraphs we apply emergency Regulation 18901 and the interim advice letters to the seniors center program guide and the parks and recreation activities guide.

Prohibition Against Spending Public Moneys to Promote Elected Officials

After considering ballot arguments in favor of Proposition 73, statements by the proponents of the proposition, and wording of amended Section 89001, the Commission concluded that the intent of Section 89001 is to prohibit the use of public moneys for the purpose of sending out mass mailings that assist elected officers in pursuit of public office. (Raye Advice Letter, No. A-88-220, June 16, 1988.) Therefore, any reference to an elected officer is prohibited in a publication sent by a public agency to 200 or more persons in a calendar month, except the agency may list its elected officers in the standard letterhead or in a roster-type listing. The elected officers' names must appear in the same type size and typeface as other city officers listed in the letterhead or roster. (See emergency Regulation 18901; Raye Advice Letter, No. A-88-220, July 1, 1988.)

Applying these rules to the mailings you provided, we note that the city cannot publish a letter signed by an elected officer. Therefore, the mayor's letter on page 2 of the parks and recreation activities guide would not comply with Section 89001. The city cannot publish the mayor's letter.

Because the chairman of the Parks and Recreation Commission is an appointed official, the city may publish his letter in the parks and recreation activities guide. The roster-type listings of elected officers in the senior center program guide and the parks and recreation activities guide also are in compliance with Section 89001.

On December 6, 1988 the Commission plans to consider adoption of a permanent regulation regarding mass mailings. Present advice may change after December 6.

Ed Barney  
October 7, 1988  
Page -4-

I hope this letter provides satisfactory answers to your advice request. Please call me at (916) 322-5901 if you have any questions about this letter.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Margarita Altamirano  
Counsel, Legal Division

DMG:MA:aa

Enclosures



Griffiths

DEPARTMENT OF PARKS AND RECREATION

7/27 8:30 AM '88

# CITY OF DALY CITY

111 LAKE MERCED BOULEVARD

DALY CITY, CA 94015

PHONE: (415) 991-8002

MICHAEL F. STALLINGS, DIRECTOR

July 27, 1988

Mr. John Larson, Chairman  
Fair Political Practices Commission  
428 J Street, Suite 800  
P. O. Box 807  
Sacramento, CA 95804

Dear Chairman Larson:

Enclosed you will find the Summer brochure for both the Recreation and Senior Services Divisions of the Parks and Recreation Department of the City of Daly City.

Please let us know if there is anything in either of these brochures which the Commission feels does not meet the standards of Proposition Number 73.

If you have any questions, please feel free to call me at (415) 991-8006.

Sincerely,

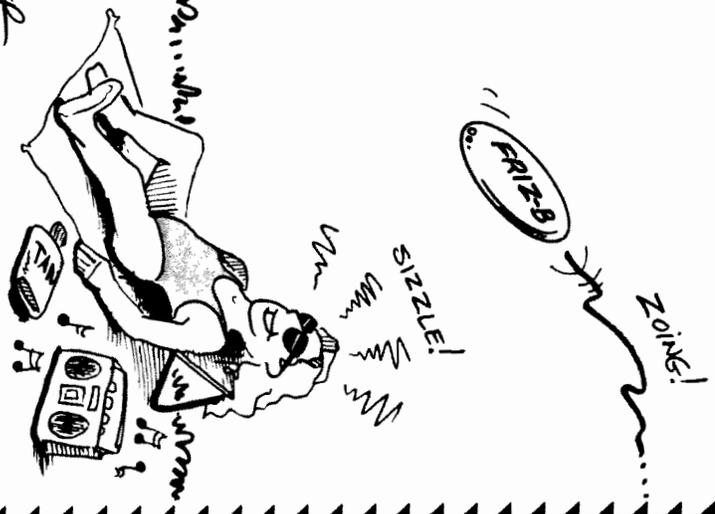
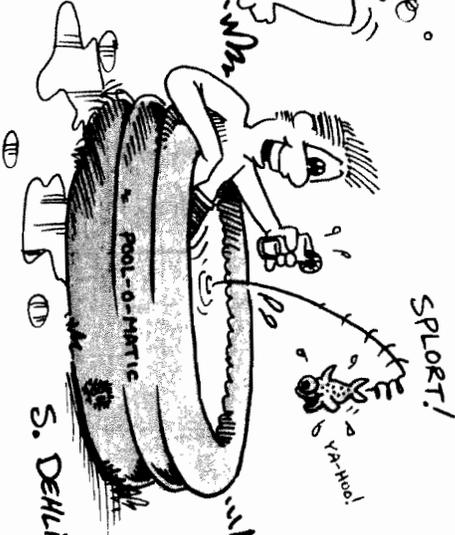
Ed Barney  
General Supervisor of Recreation

EB/em

Enclosures

# ACTIVITIES GUIDE

Summer 1988  
DALY CITY  
Department of  
PARKS AND  
RECREATION



# CITY OF DALY CITY DOELGER SENIOR CENTER

SERVED BY OVER 170 VOLUNTEERS



GREAT SEAL OF  
THE UNITED STATES OF AMERICA

American Independence Celebration,  
Friday, July 1

FLEA MARKET - A Fund Raiser  
Sunday, Aug. 14 10AM-3PM

So. Central American Independence  
Observed, Friday, Sept. 16

## NEWS AND PROGRAM JULY/AUG/SEPT/1988

101 LAKE MERCED BLVD.  
WESTLAKE PARK  
DALY CITY, CA. 94015

BUSINESS HOURS: 9 TO 4  
TELEPHONE (415) 991-8012  
MONDAY THRU FRIDAY