



California Fair Political Practices Commission

October 2, 1989

Carl G. Olson
Treasurer
Friends of Marian W. La Follette
P.O. Box 7425
Northridge, CA 91327-7425

Re: Your Request for Advice
Our File No. A-88-433

Dear Mr. Olson:

In October 1988, you first wrote to us concerning the effect of Government Code Section 85306, as added by Proposition 73,^{1/} on the use of campaign funds received prior to January 1, 1989. This topic has been the subject of litigation for the last several months. We have included your name on our mailing list for Propositions 68 and 73, and thereby attempted to keep you informed of the Commission's interpretation of the law during this time period. The purpose of this letter is to inform you of the most recent development on this issue.

On September 14, 1989, a federal court ruled that Section 85306 is unconstitutional and enjoined the Fair Political Practices Commission from enforcing that law. (Service Employees International Union v. Fair Political Practices Commission, Case No. CIVS 89-0433 LKK-JFM, U.S. District Court, Eastern District of California.) A copy of the court order is enclosed.

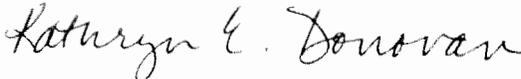
Accordingly, campaign funds received prior to January 1, 1989 may now be used to support or oppose a candidacy for elective office. We caution that candidates and elected officers who possess those funds may not use them to make contributions to any other candidate for elective office. (Section 85304.) We also caution that these funds may not be used for personal expenditures, as defined in Elections Code Sections 12400-12407.

Attached is a Commission advice letter which explains the procedures for transferring these funds to a current campaign account.

^{1/} Proposition 73 was adopted by the voters in June 1988. It amended the Political Reform Act (Government Code Sections 81000-91015.) All references are to the Government Code unless otherwise indicated.

If you have any questions concerning this letter, please contact the Commission's Technical Assistance and Analysis Division at (916) 322-5662.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel



FPPC

Nov 14 2 23 PM '88

Friends of Marian W. La Follette

P.O. Box 7425 Northridge, Ca. 91327-7425

October 26, 1988

Fair Political Practices Commission
1100 "K" Street
Sacramento, CA 95814

Gentlemen:

While preparing our accounts for establishing separate accounts to be used in campaigning and non campaigning, many questions keep arising. Most of these, we are sure, will be answered when the instructions are issued by your office. Answers to some will help us at this time.

First - Many Committees now have two accounts, for example- "Friends of Marian La Follette" and "La Follette 38th Club" -The Friends account is used for campaign related expenses while the 38th Club non campaign related expenditures. The question is - Will these two accounts have to be merged and handled as one in separating the contributions into "Restricted" and "Nonrestricted?" Also will it be permissible to keep the restricted account, adding to it as necessary, after December 31, 1988?

Second - Will funds remaining on hand at the end of each fiscal year be permitted to be carried forward to the next fiscal year?

Answers to these questions will be greatly appreciated.

If you have any questions please call me at this number:
(818) 360-3729.

Sincerely,

CARL G. OLSON
Treasurer

CGG:eoo



California Fair Political Practices Commission

November 15, 1988

Carl G. Olson, Treasurer
Friends of Marian W. La Follette
P.O. Box 7425
Northridge, CA 91327-7425

Re: Your Request for Advice
Our File No. 88-433

Dear Mr. Olson:

Your letter requesting advice concerning the recently enacted campaign finance reform initiatives (Government Code Section 85100, et seq.) was received on November 14, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

Because of the delayed operative date of most of the provisions of these initiatives, and the numerous inquiries we are receiving relative to implementation, we are attempting to respond to questions regarding interpretation in an organized and efficient fashion. Due to the volume of requests and complexity of the issues involved, we will answer your question in a timely manner, but not within the usual twenty-one working days. (Government Code Section 83114(b).)

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. 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,


Gregory W. Baugher
Executive Director

GWB:plh:73FORM3

RAYMOND M. HAIGHT
ATTORNEY AT LAW
4740 SCOTTS VALLEY DRIVE, SUITE A
SCOTTS VALLEY, CALIFORNIA 95066
(408) 438-6610

FPPC

Nov 9 2 07 PM '88

November 1, 1988

California Fair Political Practices Commission
428 J Street, Suite 800
P.O. Box 807
Sacramento, CA 95804-0807
Attn: Gevan Ahuja, Esq.

Re: Request for Advice

Dear Mr. Ahuja:

This letter requests advice on behalf of Michael Caffrey, a City Councilman in the City of Scotts Valley, in light of the provisions of the Fair Political Practices Act.

QUESTIONS

Based on the facts stated herein, can Mr. Caffrey participate in voting with respect to the approval of the Subdivision Tentative Map for the residential/golf course development project herein referenced? Can he participate in voting on the approval of the Subdivision Final Map for the project? Prior to consideration of the approval of the Subdivision Tentative Map, can Mr. Caffrey participate in voting with respect to the approval and certification of an Environmental Impact Report for the project?

SUMMARY OF FACTS

Mr. Caffrey is a director of a close family corporation herein referenced as Zanotto's, Inc. He is employed by the corporation on a full-time basis in the position of Controller, and is also a Director. The corporation owns and operates a business known as "Zanotto's Deluxe Market," a retail supermarket. The corporation leases the building occupied by the supermarket.

In addition, Mr. Caffrey owns the home in which he resides on Casa Way in Scotts Valley.

Presently, a development project is proposed for Glenwood Estates. The project consists of approximately 265 dwelling units (representing a mixture of single-family homes and condominiums) and an 18-hole golf course with clubroom facilities. The project

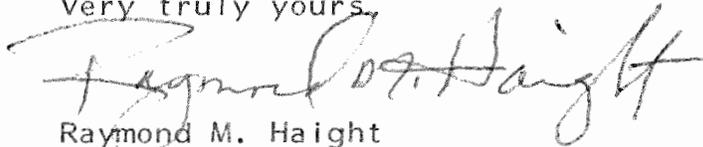
Cevan Ahuja, Esq.
Fair Political Practices Commission
November 1, 1988
Page 2

site consists of several hundred acres of land and one of its boundaries borders the residential parcel owned by Mr. Caffrey, and is located within a quarter-mile of Zanotto's Deluxe Market.

There are two other major supermarkets located in the other end of town (the southern end).

Thank you in advance for your prompt response to this inquiry. Please do not hesitate to contact me if you have any questions or need further information.

Very truly yours,

A handwritten signature in cursive script that reads "Raymond M. Haight". The signature is written in dark ink and is positioned above the typed name.

Raymond M. Haight
City Attorney of
City of Scotts Valley

RMH/mw

cc: Michael Caffrey



California Fair Political Practices Commission

November 10, 1988

Raymond M. Haight
City Attorney
4740 Scotts Valley Drive, Suite A
Scotts Valley, CA 95066

Re: 88-432

Dear Mr. Haight:

Your letter requesting advice under the Political Reform Act was received on November 9, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeevan Ahuja, 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,

Diane M. Griffiths
Diane M. Griffiths
General Counsel

DMG:plh
cc: Michael Caffrey