



# California Fair Political Practices Commission

March 14, 1989

Mark Neveau, President  
Fremont Fire Fighters  
2830 Barrington Terrace  
Fremont, CA 94536

RE: Your Request for Advice  
Our File Number A-89-064

Dear Mr. Neveau:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act of 1974.<sup>1</sup>

## QUESTION

May the Fremont Fire Fighters Political Action Committee reimburse you for contributions you made to candidates on behalf of the PAC during the November 1988 election.

## ANSWER

The PAC may reimburse you for the contributions you made on its behalf during the November 1988 election.

## FACTS

You personally incurred \$479.51 of monetary and non-monetary contributions on behalf of the Fremont Fire Fighters Political Action Committee to support five candidates for various offices throughout the Bay Area in the November 1988 election. The Fremont Fire Fighters Political Action Committee bank account did not have sufficient funds at that time to make the expenditures, and, due to a lack of a required quorum at membership meetings to transfer funds from one account to another, the committee was unable to transfer the necessary funds into the PAC account to cover the expenses.

## ANALYSIS

Section 84302 prohibits anyone from making a contribution on behalf of another unless the person making the contribution (the intermediary) discloses to the recipient his or her own name, address, occupation and employer and the name, address, occupation and employer of the actual source of the contribution.

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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.

Neveau, Mark  
Page Two

To report actions taken by you on behalf of the PAC, the PAC must report the contributions you made to the various candidates mentioned in your letter as in-kind loans to the PAC. On its report for the period in which you made the contributions, the PAC must report the payments you made as in-kind loans on Schedule C ("non-monetary contributions") of Form 420. Additionally, the payments must be reported on Schedule F of Form 420 as accrued expenses owed to you. In addition, the PAC must disclose the name, address and amount paid to any vendor(s) to whom you made payments of \$100 or more, and must disclose the name of each candidate or committee to whom you made a contribution of \$100 or more. The PAC also must disclose the contributions on the Allocation Page at the front of Form 420. When the PAC repays you, the repayments are shown as payments of accrued expenses on Line 4 of Schedule E ("Expenditures") and Line 4 of Schedule F of the Form 420.

You should note that effective January 1, 1989, candidates may no longer transfer or loan campaign funds to other candidates. (Section 85304.)

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

Sincerely,

Diane M. Griffiths  
General Counsel



By: Kevin S. Braaten-Moen  
Political Reform Consultant

# FREMONT FIRE FIGHTERS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS - LOCAL 1689

AFFILIATED WITH  
AFL CIO  
CENTRAL LABOR COUNCIL  
OF ALAMEDA COUNTY  
INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS  
CALIFORNIA LABOR COPE



F.P.F.C.  
JAN 30 4 22 11 '89  
P O BOX 1134  
FREMONT CALIFORNIA • 94538  
415/651-1115

FAIR POLITICAL PRACTICES COMMISSION  
428 J ST  
SACRAMENTO, CALIFORNIA 95814

JANUARY 26, 1989

DEAR MS. TAYLOR:

AS PER OUR CONVERSATION ON THIS DATE I AM FORMALLY REQUESTING A WRITTEN CONFIRMATION OF THE F.P.F.C. DECISION REGARDING A REIMBURSEMENT OF FUNDS FOR EXPENSES INCURRED DURING THE NOVEMBER 1988 ELECTION. THE DETAILS OF THE SITUATION IS AS FOLLOWS:

1. I PERSONLLY INCURRED \$479.51 WORTH OF POLITICAL EXPENSES DURING THE NOVEMBER 1988 ELECTION. THE EXPENSES INCURRED RELATED TO A \$250.00 CONTRIBUTION TO A CANDIDATE FOR THE BAY AREA RAPID TRANSIT BOARD OF DIRECTORS ELECTION AND \$229.51 WORTH OF IN-KINDS TO TWO CANDIDATES IN THE WASHINGTON HOSPITAL BOARD OF DIRECTORS ELECTION AND TWO CANDIDATES IN THE FREMONT UNIFIED SCHOOL DISTRICT ELECTION.
2. OUR POLITICAL ACTION COMMITTEE ACCOUNT DID NOT HAVE ENOUGH MONEY TO PAY THE EXPENSES. WE ALSO SUFFERED THE INABILITY TO TRANSFER MONEY INTO THE PAC ACCOUNT DUE TO THE LACK OF A QUORUM AT OUR MEMBERSHIP MEETINGS OF SEPTEMBER AND OCTOBER. (TO TRANSFER INTEREST EARNED MONEY FROM OUR "DUES" ACCOUNT WE REQUIRE A VOTE OF THE MEMBERSHIP).
3. DUE TO THE ABOVE STATED REASON I PAID THE EXPENSES OUT OF MY PERSONAL ACCOUNT ACTING AS AN INTERMEDIARY AND/OR REPRESENTATIVE OF THE FREMONT FIRE FIGHTERS' UNION.
4. ON JANUARY 25, 1989 OUR MEMBERSHIP VOTED TO TRANSFER THE NECESSARY FUNDS FOR REIMBURSEMENT INTO THE P.A.C. ACCOUNT.

THEREFORE I HAVE REQUESTED AN OPINION FROM YOUR ORGANIZATION REGARDING THE SITUATION. IN OUR CONVERSATION YOU INFORMED ME THAT THE REIMBURSEMENT (\$479.51) WOULD BE LEGAL AND YOU INSTRUCTED US ON HOW TO RECORD THIS TRANSACTION ON OUR NEXT FILING.

I AM RESPECTFULLY REQUESTING A WRITTEN CONFIRMATION OF YOUR ORGANIZATIONS' DECISION. PLEASE SEND THE CORRESPONDENCE TO:

MARK NEVEAU, PRESIDENT  
2830 BARRINGTON TR.  
FREMONT, CALIFORNIA 94536

IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL ME AT (415) 792-5508.

CORDIALLY

*Mark Neveau*

MARK NEVEAU; PRESIDENT

89-064

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INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS - LOCAL 1689

AFFILIATED WITH  
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CORDIALLY

MARK NEVEAU; PRESIDENT



# California Fair Political Practices Commission

February 1, 1989

Mark Neveau  
Fremont Fire Fighters  
P.O. Box 1134  
Fremont, CA 94538

Re: Letter No. 89-064

Dear Mr. Neveau:

Your letter requesting advice under the Political Reform Act was received on January 30, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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

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

Very truly yours,

*Jeanne Pritchard*

Jeanne Pritchard  
Chief Technical Assistance  
and Analysis Division

JP:plh