



California Fair Political Practices Commission

May 19, 1989

Robert E. Leidigh
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-239

Dear Mr. Leidigh:

You have requested confirmation of telephone advice provided to you regarding the campaign provisions of the Political Reform Act.^{1/}

The questions you asked and my answers are as follows:

(1) On behalf of Senator Cecil Green, you asked if an elected officer may solicit and receive contributions to be used for the payment of legal expenses related to a civil suit against the officer, and you asked what the requirements are for filing Forms 501 and 502. You informed us that the civil suit relates to a prior elective office held by the officer.

The advice I provided to you was that the elected officer may solicit and receive contributions to pay the legal expenses. A Form 501 (Candidate Intention) must be filed prior to soliciting or receiving any contributions for this purpose. A separate bank account must be established for the funds received for this purpose, and a Form 502 (Campaign Bank Account) must be filed within 24 hours of opening the bank account. The purpose for which funds are being solicited and received is described in the space for "Specific Office" on the Forms 501 and 502. An appropriate description would be: "Payment of legal fees connected with a prior office," or something similar.

^{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 Regulation Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Robert E. Leidigh
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(2) On behalf of Assemblymembers Bruce Bronzan, Tom Hannigan, Lloyd Connelly and Jack O'Connell, you asked whether previous advice provided to you concerning permissible uses of a candidate's "restricted funds" (campaign funds received prior to January 1, 1989), also applies to campaign funds held by the candidate's controlled committee.

The advice I provided is that, for purposes of determining permissible uses of campaign funds, funds held by a candidate's controlled committee are considered to be the candidate's campaign funds. Therefore, funds held by a candidate's controlled committee may be used for any purpose which is a permissible use of a candidate's campaign funds.

My telephone advice was provided prior to the May 15, 1989 ruling in Service Employees International Union v. Fair Political Practices Commission, U.S. District Court, Eastern Dist. of California, No. CIVS-89-0433 LKK-JFM. In that case, the court granted a preliminary injunction limiting enforcement of certain provisions of Proposition 73. We believe this ruling does not change our advice in the first question addressed in this letter, although the ruling does remove restrictions on the candidate's ability to transfer the funds among his own controlled committees. The ruling also changes the meaning of "restricted funds" for purposes of your second question. As a result of the court's ruling, "restricted funds" consist of contributions received prior to January 1, 1989, which would have been in compliance with the limitations of Sections 85301-85303, had those limits been in effect.

If you have any questions about this letter, please call me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance and
and Analysis Division

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

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April 20, 1989

Jeanne Pritchard
Division Chief
Technical Assistance and Analysis
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
Sacramento, California 95814

HAND DELIVERED

RE: WRITTEN CONFIRMATION OF TELEPHONE ADVICE; FOLLOW-
UP TO ADVICE LETTER A-89-167

Dear Ms. Pritchard:

Pursuant to our several recent telephone conversations, this letter is being sent to confirm telephone advice which you rendered to me. This letter seeks formal written advice on behalf of the same clients previously identified regarding Advice Letter No. A-89-167.

1.) I requested follow-up advice regarding question number 1 of Advice Letter A-89-167. That question regarded use of "restricted" campaign moneys raised prior to January 1, 1989, for payment of legal expenses related to a civil suit against an officeholder. The suit relates to a prior elective office held by the officeholder, not the current office. You advised that such use was permissible.

My follow-up question relates to what happens when and if those restricted funds run out. How may the officeholder legally raise additional funds? You advised that the officeholder could file a separate Form 501 and 502 and form a separate committee for this purpose. The Form 501 and the committee name and solicitations should indicate that the purpose is to raise money for payment of legal fees connected with a prior office.

2.) My second question was a follow-up to the third question in Advice Letter A-89-167. Your advice there was that a candidate may expend restricted funds to finance litigation related to the issue of whether and to what extent his campaign funds may be used to support a future candidacy for elective office.

LANCE H. OLSON
BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH

OF COUNSEL
LLOYD G. CONNELLY, Member
California State Legislature

Jeanne Pritchard
April 20, 1989
Page Two

My follow-up question was to clarify that a candidate's controlled committee also fits within this advice. Your response, after checking with Kathryn Donovan, Acting General Counsel, is that a candidate's controlled committee and the candidate are one and the same for these purposes.

Thank you for your assistance with these questions.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG


ROBERT E. LEIDIGH

cc: Clients

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

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April 20, 1989

Jeanne Pritchard
Division Chief
Technical Assistance and Analysis
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
Sacramento, California 95814

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BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH

OF COUNSEL
LLOYD G. CONNELLY, *Member*
California State Legislature

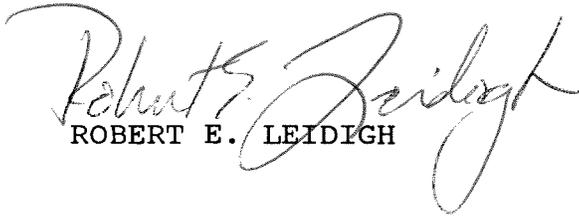
Jeanne Pritchard
April 20, 1989
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Very truly yours,

OLSON, CONNELLY, HAGEL & FONG


ROBERT E. LEIDIGH

cc: Clients



California Fair Political Practices Commission

April 27, 1989

Robert E. Leidigh
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Letter No. 89-239

Dear Mr. Leidigh:

We received your letter requesting confirmation of advice under the Political Reform Act on April 20, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) or 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

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

Sincerely,

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

Kathryn E. Donovan
General Counsel

KED:plh:confadv1

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June 20, 1988

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

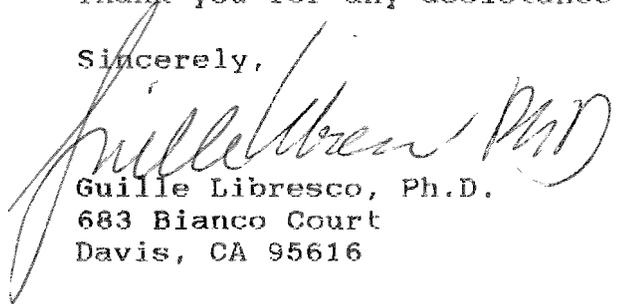
To Whom It May Concern:

I am a member of the Yolo County Mental Health Advisory Board (MHAB), and also a member of the Board of the Yolo Community Care Continuum (YCCC), a non-profit (Short-Doyle) contract agency. I am not an employee of YCCC, nor do I have any business interest in YCCC.

I would like to know if there are specific current conflict of interest regulations governing my participation on the Yolo County MHAB.

Thank you for any assistance you can provide.

Sincerely,



Guille Libresco, Ph.D.
683 Bianco Court
Davis, CA 95616



California Fair Political Practices Commission

June 27, 1988

Guille Libresco, Ph.D.
683 Bianco Court
Davis, CA 95616

Re: 88-239

Dear Mr. Libresco:

Your letter requesting advice under the Political Reform Act was received on June 24, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margarita Altamirano, 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