



California Fair Political Practices Commission

July 18, 1989

Sandy Blauvelt
Administrative Assistant to
Supervisor Harold C. Brown, Jr.
County of Marin
Civic Center, Suite 315
San Rafael, CA 94903

Re: Your Request for Advice
Our File No. A-89-371

Dear Ms. Blauvelt:

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

Your letter, dated June 12, 1989, correctly summarizes my advice that Supervisor Brown should amend his Candidate Intention (Form 501) and his Candidate Bank Account (Form 502) to correctly reflect that those forms were filed in connection with his 1988 election. The name of the committee, Friends of Hal Brown, may remain on the campaign account. This will satisfy the requirement of Gov. Code Sections 85200 and 85201, and thereafter Supervisor Brown may solicit funds in connection with curing his 1988 campaign debt.

Supervisor Brown may, at any time prior to solicitation or receipt of any contribution or loan, file a new Form 501 and Form 502 indicating his intent to run for supervisor in 1992. In addition, he should file a new Statement of Organization (Form 410), within 10 days after he has received \$1,000.

^{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.

Sandy Blauvelt
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Section 85304 prohibits the transfer of funds between candidates or their controlled committees. However, because of a preliminary injunction issued May 19, 1989 in the case of Service Employees International Union, AFL-CIO, CLC, et al. v. FPPC, Case No. CIVS 89-0433-LKK-JFM, U.S. District Court, Eastern District of California, a candidate may transfer campaign funds among his or her own controlled candidate committees. A final hearing on this matter is scheduled for August 11, 1989. Please contact this office after that date to determine whether such transfers will be allowed in the future.

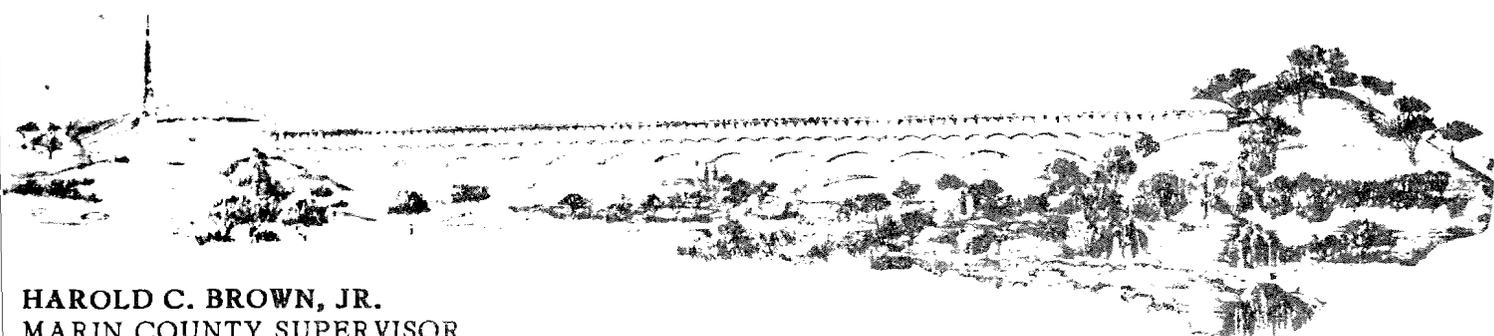
For your convenience, a copy of your letter is enclosed. Please feel free to contact me at (916) 322-5662 if you have any questions.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Sandra L. Taylor
Political Reform Consultant



HAROLD C. BROWN, JR.
MARIN COUNTY SUPERVISOR

June 12, 1989

2ND DISTRICT

FPPC
JUN 19 1989

Ms. Sandra Taylor
Fair Political Practices Commission
428 J Street, 7th Floor
Sacramento, California 95814

Dear Sandra:

This letter is to confirm in writing our phone conversation today regarding Marin County Supervisor Harold Brown and clarification of compliance with Proposition 73.

To obtain clarification, I conveyed to you the following information summarizing Supervisor Brown's recent campaign and officeholder activity. He was reelected as County Supervisor in June, 1988, and had a campaign deficit. In order to repay the debt, he took out a personal loan which was deposited in the campaign account. Prior to December 29, 1988, he solicited and received funds to partially cure the deficit (and thereby reduce the personal loan).

On advice, and with the intent to comply with Proposition 73, he opened a new bank account on December 29, 1988, and filed forms 501 and 502. The funds transferred to the new account were essentially the remaining loan balance.

Although I am not the bookkeeper, my general knowledge indicates that, to date, any funds received since the account transfer were unsolicited and expenditures made were for officeholder purposes.

After discussion and clarification of past and current interpretations of Proposition 73, you advised the following:

1. Supervisor Brown misunderstood the proper filing of forms 501 and 502 and should now amend those forms to indicate that the intent is to raise money to pay off debts connected with the 1988 election. The name of that campaign account can remain as indicated on the forms (Friends of Hal Brown).

2. Given that amendment, Supervisor Brown now may solicit funds in connection with curing his 1988 campaign debt. Although the Supervisor will possibly raise more funds than are necessary to cure his deficit, all funds can be deposited in this current account.

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3. During this period (December 29 to date), the funds expended were for officeholder activities and were legitimate.

4. Because there will be no need to have the 1988 campaign account after the deficit is cured, Supervisor Brown may concurrently file a new 501 and 502 indicating his intent to run for supervisor in 1992 and should then file a new 401 (organization of committee form which will generate a new ID number). When his current account is closed, the balance can be transferred to the 1992 campaign account.

Thank you for your time in clarifying Proposition 73 and reviewing this written clarification. I would greatly appreciate an immediate phone call if the above is inaccurate or incomplete. My telephone number is (415) 499-7331.

Sincerely,



SANDY BLAUVELT
Administrative Aide to
HAROLD C. BROWN, JR.
Supervisor - Second District

SB:dn



California Fair Political Practices Commission

June 22, 1989

Sandy Blauvelt
Administrative Assistant to
Supervisor Harold C. Brown, Jr.
County of Marin
Civic Center, Suite 315
San Rafael, CA 94903

Re: Letter No. 89-371

Dear Ms. Blauvelt:

We received your letter requesting confirmation of advice under the Political Reform Act on June 19, 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) 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