



California Fair Political Practices Commission

August 24, 1989

Brian W. Maas
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco, CA 94120

RE: Your Request for Informal
Assistance
Our File No. I-89-412

Dear Mr. Maas:

You have requested confirmation of telephone assistance I provided to you concerning the campaign disclosure provisions of the Political Reform Act.^{1/} Because you have not provided the name of your client, we consider your request to be for informal assistance pursuant to Regulation 18329(c).^{2/}

Your letter, dated July 10, 1989, correctly summarizes my advice that the contribution which was designated for a California recipient committee, but inadvertently deposited into an affiliated federal committee's account, may be transferred to the California committee's campaign account without the federal committee becoming a recipient committee pursuant to Section 82013(a).

Please call me at 916/322-5662 if you have additional questions concerning this matter.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, appearing to read "Mary Ann Kvasager".

By: Mary Ann Kvasager
Political Reform Consultant

^{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.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

LAW OFFICES OF
PILLSBURY, MADISON & SUTRO

OTHER OFFICES
LOS ANGELES, CALIFORNIA
SAN DIEGO, CALIFORNIA
SAN JOSE, CALIFORNIA
WALNUT CREEK, CALIFORNIA
WASHINGTON, D.C.

POST OFFICE BOX 7880
SAN FRANCISCO, CALIFORNIA 94120
TELEPHONE (415) 983-1000
CABLE ADDRESS "EVANS"
TELEX 34743
TELECOPIER (415) 398-2096

WRITER'S OFFICE AND
DIRECT DIAL NUMBER

235 Montgomery Street
(415) 983-7272

July 10, 1989

JUL 12 3 34 PM '89
F P P C

Ms. Mary Ann Kvasager
Analyst, Technical Assistance Unit
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Kvasager:

This is to confirm our telephone conversation this afternoon regarding the inadvertent deposit of funds designated for a California recipient committee, but deposited in an affiliated federal PAC.

My understanding is that a \$1,000 deposit may be transferred from the federal committee to the California political committee without the former becoming a recipient committee under the Political Reform act of 1974, as amended (the "Act"). The funds transmitted to the California committee must be properly disclosed as coming from the contributor. The California committee records should adequately note that the funds were transferred through the federal committee.

Thank you for your attention in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Brian W. Maas

Walter Francis Ekard

FPPC

JUL 5 9 58 AM '89

June 25, 1989

Fair Political Practices Commission
P.O. Box 944001
Sacramento, Ca. 94244-4001

Dear Sir or Madam:

Pursuant to my understanding of the current FPPC interpretation of Propositions 68&73, I am submitting as treasurer on behalf of Supervisor Brian P. Bilbray the enclosed Form 501 & 502 and Form 410 for purposes of identifying the specific election for which the Supervisor's current campaign account is to be used.

Based on my conversations with representatives of the FPPC and the San Diego County Registrar of Voters, it is my understanding that the funds Supervisor Bilbray has currently on account, are usable for his future campaign and officeholder expenses even though the funds were collected prior to January 1, 1989.

It is my further understanding that no separate "officeholder" account is necessary for expending funds currently in the campaign account for typical officeholder expenses. Moreover, as I understand the most recent Court and FPPC interpretation, campaign funds can be moved from one campaign account to another at the discretion of the candidate. For example, if Supervisor Bilbray decided to run for Congress in 1990, he could set up a separate, second campaign account and transfer in any or all funds existing at that time in his Supervisor's campaign account.

As the terms and interpretation of Propositions 68 & 73 remain in limbo, it is important that I be made cognizant of any misunderstandings or misconceptions about the rules that become clear to your office regarding Supervisor Bilbray's activity with the FPPC. It is our fervant desire to remain completely consistant with the rules and regulations as determined by the voters. To that end I would respectfully request that you notify me immediately if the material submitted now or in the future on behalf of Supervisor Bilbray is incorrect or inconsistant with the law. I can be reached at 756-1174 or 789-6373 (home).

Thank you in advance for your anticipated cooperation.

Very truly yours,


Walt Ekard
Treasurer

~~Attorney At Law~~

84-412

LAW OFFICES OF
PILLSBURY, MADISON & SUTRO

OTHER OFFICES
LOS ANGELES, CALIFORNIA
SAN DIEGO, CALIFORNIA
SAN JOSE, CALIFORNIA
WALNUT CREEK, CALIFORNIA
WASHINGTON, D.C.

POST OFFICE BOX 7880
SAN FRANCISCO, CALIFORNIA 94120
TELEPHONE (415) 983-1000
CABLE ADDRESS "EVANS"
TELEX 34743
TELECOPIER (415) 398-2096

WRITER'S OFFICE AND
DIRECT DIAL NUMBER

235 Montgomery Street
(415) 983-7272

July 10, 1989

JUL 12 9 31 PM '89
FPPC

Ms. Mary Ann Kvasager
Analyst, Technical Assistance Unit
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Kvasager:

This is to confirm our telephone conversation this afternoon regarding the inadvertent deposit of funds designated for a California recipient committee, but deposited in an affiliated federal PAC.

My understanding is that a \$1,000 deposit may be transferred from the federal committee to the California political committee without the former becoming a recipient committee under the Political Reform act of 1974, as amended (the "Act"). The funds transmitted to the California committee must be properly disclosed as coming from the contributor. The California committee records should adequately note that the funds were transferred through the federal committee.

Thank you for your attention in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Brian W. Maas
Brian W. Maas



California Fair Political Practices Commission

July 14, 1989

Brian W. Maas
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco, CA 94120

Re: Letter No. 89-412

Dear Mr. Maas:

We received your letter requesting confirmation of advice under the Political Reform Act on July 12, 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, appearing to read "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh:confadv1