



# California Fair Political Practices Commission

September 19, 1989

Honorable David G. Kelley  
Assemblyman, Seventy-Third District  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Your Request for Advice  
Our File No. A-89-503

Dear Assemblyman Kelley:

You have requested advice regarding the campaign disclosure provisions of the Political Reform Act of 1974 (the "Act").<sup>1/</sup>

#### QUESTION

May campaign funds received prior to January 1, 1989 be used to pay for the upkeep, maintenance and related expenses of your airplane?

#### CONCLUSION

The Political Reform Act does not prevent you from using campaign funds received prior to January 1, 1989 to pay for the upkeep, maintenance and related expenses of your airplane. However, you should consult the Attorney General's office to determine whether the "personal use" law prohibits these expenditures.

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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.

FACTS

You are the Assemblyman of the Seventy-Third District. You fly your own airplane between your district in Riverside County and Sacramento. You want to use campaign funds received prior to January 1, 1989 to pay for the upkeep, maintenance and related expenses of your airplane, since it is used for governmental purposes.

ANALYSIS

On September 15, 1989, Section 85306, which restricts the use of campaign funds received before January 1, 1989, was declared unconstitutional. (Service Employees International Union v. Fair Political Practices Commission, United States District Court, Eastern District, California, No. CIVS 89-0433 LKK-JRM.) Accordingly, these funds may be used for any lawful purpose. Elections Code Sections 12400-12404 sets forth the lawful uses of campaign funds. These provisions are under the jurisdiction of the Attorney General; the Commission has no authority to interpret or enforce these statutes. Accordingly, we suggest you contact the Attorney General's office concerning this question.

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

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Sandra L. Taylor  
Political Reform Consultant

# CALIFORNIA LEGISLATURE

## SACRAMENTO OFFICE:

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO 94249-0001  
(916) 445-7852

NANCY LUCCHESI  
SENIOR ASSISTANT

## COMMITTEES:

AGRICULTURE  
ENVIRONMENTAL SAFETY &  
TOXIC MATERIALS  
HEALTH  
WATER, PARKS & WILDLIFE



**DAVID G. KELLEY**

ASSEMBLYMAN, SEVENTY-THIRD DISTRICT  
RIVERSIDE COUNTY  
VICE CHAIRMAN  
WATER, PARKS AND WILDLIFE COMMITTEE

## DISTRICT OFFICES:

6840 INDIANA AVENUE  
SUITE 150  
RIVERSIDE 92506  
(714) 369-6644

MARGI WEGGELAND  
ADMINISTRATIVE ASSISTANT

TOLL FREE  
1-800-824-5200

777 E. TAHQUITZ WAY  
SUITE 200  
PALM SPRINGS 92262  
(619) 323-8301

August 22, 1989

Mr. John Larson, Chairman  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

ATTENTION: MR. JOHN McLEAN

Dear Mr. Larson:

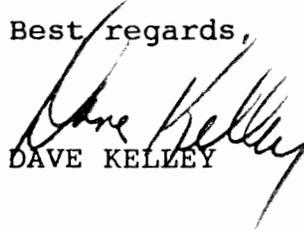
I would very much appreciate some clarification regarding Regulation 18536.2 and the use of restricted funds.

Currently I fly my own airplane between my district and Sacramento. Since the plane is used for governmental purposes and falls under officeholder expenses, it would be my understanding that I could use restricted funds to pay for upkeep, maintenance and related expenses.

I would appreciate receiving a confirmation regarding the use of restricted funds for my airplane, as stated above, as soon as possible

Thank you for your very kind assistance in this matter.

Best regards,

  
DAVE KELLEY

DK:nl

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FPPC

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Best regards,

*Dave Kelley*  
DAVE KELLEY

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FPPC



# California Fair Political Practices Commission

August 24, 1989

Honorable David G. Kelley  
Assemblyman, Seventy-Third District  
Riverside County  
State Capitol, P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Letter No. 89-503

Dear Mr. Kelley:

Your letter requesting advice under the Political Reform Act was received on August 23, 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  
Chief Technical Assistance  
and Analysis Division

JP:plh



# California Fair Political Practices Commission

September 19, 1989

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P.O. Box 942849  
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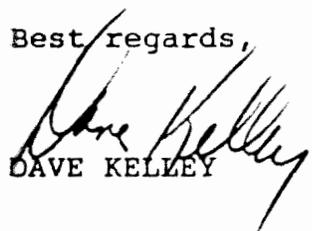
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