



California Fair Political Practices Commission

January 19, 1990

Donna Darnell
700 Randall
Ridgecrest, CA 93555

Your Request for Advice
Our File No. A-89-697

Dear Ms. Darnell:

You have requested confirmation of my telephone advice provided to you on behalf of Supervisor Roy Ashburn concerning the campaign disclosure provisions of the Political Reform Act.1/

Your letter, received December 19, 1989, correctly summarizes my advice that if the property which was donated for a fundraising auction is appraised at a value in excess of \$1,000, you should contact the Commission for further advice. A copy of your letter is enclosed for your convenience.

In the event that the property in question is appraised in excess of \$1,000, Regulation 18531 (copy enclosed) requires that Supervisor Ashburn's committee pay to the donor the amount in excess of \$1,000 or else return the property to the donor. Since the property has been sold, the appropriate action would be to pay the excess amount to the donor. This payment ordinarily must be made within 14 days of receipt of the in-kind contribution.2/ Based on the facts presented in your letter, it appears likely that the committee will not have the results of the appraisal until after expiration of this 14-day deadline. In that case, if an amount in excess of the \$1,000 contribution limit is to be returned to the donor, we advise that the payment be made as soon as possible after the appraisal.

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/ Regulation 18531 was amended December 13, 1989, to provide for return of excessive contributions within 14 days of receipt. These amendments have been adopted by the Commission and are pending review by the Office of Administrative Law.

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Please contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan
General Counsel

By: Alice Hughes
Political Reform Consultant

Enclosure

FFPC

DEC 19 9 30 AM '89

Donna Darnell
700 Randall
Ridgecrest, CA 93555
December 4, 1989

Alice Hughes
Technical Assistance and Analysis Division
California Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804-0807

Dear Alice,

Thank you for your guidance in handling a piece of property which was donated for and sold at a fundraising auction for Kern County Supervisor Roy Ashburn. The purpose of this letter is to verify that we are proceeding correctly.

In the way of background, an individual donated a piece of land which he told us he had purchased for \$400 to be sold at our fundraiser auction. We conducted a preliminary cursory investigation of the property and were told that the 50 by 90 foot lot was unbuildable because the mid-block property fronted on a freeway alignment creating a "no legal access" problem for any owner. We were advised that this was what the industry terms a "junk lot" and of little value.

We accepted the donation, the only donation ever received from this individual, confident that even if the lot sold for twice the purchase price, that the donation would not exceed the campaign limitation. The lot, however, sold for \$1900. Since this changed the profile considerably, we phoned the Commission for advice on how we should handle this transaction to assure our compliance with F.P.P.C. rules.

You recommended that we have the property appraised to determine the fair market value. We are in the process of having that done now.

It is my understanding, per our conversation, that if the property is appraised for less than \$1000 then the donation of the land is in compliance. The excess value will be treated as the donation of the buyers and will be divided equally between the husband and wife who purchased the property and who have given us a letter so directing. However, if the property is valued by the appraiser in excess of \$1000, we are to return to you for further advice.

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Again, thank you for your help on this issue. If you have further instructions or questions, please let me know. Otherwise I will be in touch with you pending the outcome of the appraisal.

Best regards,

Donna Darnell

Donna Darnell for the
Roy Ashburn Campaign Committee
(619)375-1564 work
(619)375-8931 res.



California Fair Political Practices Commission

December 22, 1989

Donna Darnell
700 Randall
Ridgecrest, CA 93555

Re: Letter No. 89-697

Dear Ms. Darnell:

We received your letter requesting confirmation of advice under the Political Reform Act on December 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,

Kathryn E. Donovan
Kathryn E. Donovan
General Counsel

KED:plh:confadv1