



California Fair Political Practices Commission

March 22, 1991

Paul Herman
c/o Supervisor Carole Migden
Room 235
City Hall
San Francisco, CA 94102

Re: Your Request for Advice
Our File Nos. I-91-097 &
A-91-161

Dear Mr. Herman:

You have requested confirmation of telephone advice provided under the campaign provisions of the Political Reform Act.¹

Your letters concern whether advice was given to you in November 1990, and whether a candidate may have only one bank account per election. My records show that I did provide advice to you in November. In addition, your letter dated March 5, 1991, accurately reflects the advice provided.

The following is a discussion of advice provided in our February 6, 1991, telephone conversation.

DISCUSSION

In November of 1990, you called this office concerning the establishment of a San Francisco "Friends" committee for County Supervisor Carole Migden. Due to an apparent misunderstanding, you opened up a second bank account under Ms. Migden's 1990 election committee, intending to use the second bank account as the "Friends" account. You then filed a Form 502 for this second bank account. The first account had debts from the 1990 election.

After conversations with officials of the City and County of San Francisco and the Secretary of State's office, you realized that an error had been made. On February 6, 1991, I gave you the following telephone advice:

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.

Paul Herman
Page Two

1. File a new Form 501, indicating that money will be raised for reelection in 1994.
2. Amend the Form 502 filed in connection with Ms. Migden's 1990 election, redesignating the original campaign bank account for Ms. Migden's 1994 race.
3. Amend the statement of organization (Form 410) filed in connection with Ms. Migden's 1990 election so that the name of the committee no longer indicates that the committee is for Ms. Migden's 1990 election, and use that committee for 1994.
4. File a new Form 410 to create a new committee (the "Friends" committee).
5. Write a letter to the Secretary of State's office explaining what has occurred and requesting that they waive any late fines.

In this way, the new bank account could be used as a "Friends" account. Debts incurred in the 1990 election can be paid off using funds raised for the 1994 reelection campaign.

After this advice had been given, you indicated that you contacted the San Francisco City Attorney's office and were given advice that the City and County of San Francisco would allow Ms. Migden to have one bank account for both her campaign committee and her "Friends" committee, as long as accounting records were kept separate. Therefore, at this time, you do not intend to create a new committee or file a Form 501 for reelection to the Board of Supervisors in 1994.

Copies of your letters are enclosed for your convenience.

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

Sincerely,

Scott Hallabrin
Acting General Counsel


BY: Kevin S. Braaten-Moen
Political Reform Consultant

Enclosures

Member
Board of Supervisors
City and County of San Francisco



CAROLE MIGDEN

February 6, 1991

Kevin Braaten-Moen
Consultant
Fair Political Practices Commission
428 J Street, Suite 610
Sacramento, CA 95814

Dear Mr. Braaten-Moen:

This letter is to request written confirmation from your office that you and I spoke on the phone sometime in late November of last year about how to handle FPPC reporting requirements for Supervisor Carole Migden's campaign account and officeholder account.

At that time, I apparently misunderstood your explanation of the correct procedure to follow and I opened another checking account under an existing FPPC ID number which already has an open checking account.

I have since spoken with you and understand how to correct the problem. I am seeking to keep a clean record of our conversations and hope you can help.

Thank you for your assistance on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul Herman".

Paul Herman
Legislative Assistant



California Fair Political Practices Commission

February 20, 1991

Paul Herman
Legislative Assistant
City Hall, Room 235
San Francisco, CA 94102

Re: Letter No. 91-097

Dear Mr. Herman:

Your letter requesting advice under the Political Reform Act was received on February 14, 1990, 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,

A handwritten signature in cursive script that reads "Jeanne Pritchard/by JK".

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:jl

Member
Board of Supervisors
City and County of San Francisco



MAR 11 1991
CAROLE MIGDEN

March 5, 1991

Kevin Braaten-Moen
Consultant
Fair Political Practices Commission
428 J Street, Suite 610
Sacramento, CA 95814

Dear Mr. Braaten-Moen: *KEVIN*

This letter is to request written confirmation of our telephone conversation last February regarding the administration of Supervisor Carole Migden's campaign committees.

My understanding is that, under current law, only one checking account is allowed per election.

Therefore, since Supervisor Migden already has a checking account for her campaign committee -- Carole Migden for Supervisor 1990 -- she is not allowed to have a separate checking account for her supervisor officeholder committee -- Friends of Carole Migden.

If this understanding is correct, I need to know as soon as possible. I have asked our City Attorney for advice on how to report campaign expenses and officeholder expenses if we can only have one checking account. The problem, as you know, is that San Francisco has a \$500 limit on campaign contributions but no limit on officeholder contributions.

Thank you for your timely assistance on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul Herman".

Paul Herman
Legislative Assistant

0179w

cc: Don Disler
Randy Riddle, City Attorney



California Fair Political Practices Commission

March 13, 1991

Paul Herman
Legislative Assistant
City Hall, Room 235
San Francisco, CA 94102

Re: Letter No. 91-161

Dear Mr. Herman:

Your letter requesting advice under the Political Reform Act was received on March 11, 1990, 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,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:jl

Member
Board of Supervisors
City and County of San Francisco



Har
CAROLE MIGDEN

March 5, 1991

Kevin Braaten-Moen
Consultant
Fair Political Practices Commission
428 J Street, Suite 610
Sacramento, CA 95814

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Paul Herman
Legislative Assistant

0179w

cc: Don Disler
Randy Riddle, City Attorney

Member
Board of Supervisors
City and County of San Francisco



Mar 1991
CAROLE MIGDEN

March 5, 1991

Kevin Braaten-Moen
Consultant
Fair Political Practices Commission
428 J Street, Suite 610
Sacramento, CA 95814

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Paul Herman
Legislative Assistant

0179w

cc: Don Disler
Randy Riddle, City Attorney