

Memorandum

To : Advice Files 76-596 and 76-604

Date : June 13, 1984

From : **FAIR POLITICAL PRACTICES COMMISSION** - Legal Division
Diane Maura Fishburn

Subject: Validity of this Advice

This advice letter came to our attention in a recent Legal Division meeting, and all present expressed concern that we gave out this advice. If you have come across a similar situation, please bring it to an Advice Request meeting for consideration. We might want to reverse this advice.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 2991
SAN DIEGO, CALIFORNIA 92112



JOHN F. DUFFY, Sheriff

DONALD R. OLIVER, Undersheriff

May 18, 1976

Ken Finney
Fair Political Practices Commission
Technical Assistance and Analysis Division
P.O. Box 807
Sacramento, CA 95804

Dear Mr. Finney:

Pursuant to your telephone conversation with Mr. Riley of my staff, I am hereby submitting the additional information you requested.

The San Diego County Charter authorizes the Sheriff to make four appointments: Undersheriff and three Confidential Assistants. All of these appointments are exempt from County Civil Service Rules and Regulations and the persons appointed to these positions serve at the pleasure of the Sheriff.

The primary duty of one of the Confidential Assistant positions is that of liaison between the Office of the Sheriff and other county agencies and departments. I have assigned him the collateral duty as that of legislative coordinator for the San Diego Sheriff's Department. In this capacity he reviews pending legislation with myself and Division Commanders. Legislative analysis is conducted by Division or Bureau Commanders who forward the analysis to the Confidential Assistant for discussion with me. He is authorized to participate in direct communication with state legislators only at my direction and is not authorized to take or express any position regarding legislation other than that which I direct. The Confidential Assistant is not authorized to negotiate amendments to any bill without my approval and only then at my direction. Direct communication by him with legislators does not normally fall within the time requirements of Proposition 9, i.e., ten hours within a two month period. In the vast majority of instances the Confidential Assistant's function consists solely of drafting for my signature correspondence to legislators outlining my position on certain bills and asking for their support or opposition. I reiterate that the Confidential Assistant is only authorized to communicate with the legislature either verbally or by correspondence at my direction.

Ante Station
8811 Cuyamaca
San Diego, CA 92071
236-3007

Vista Station
325 South Melrose
Vista, CA 92083
724-2104

Lemon Grove Station
7859 Broadway
Lemon Grove, CA 92045
236-2902

Encinitas Station
143 "D" Street
Encinitas, CA 92024
753-5591

76596

MAY 21 9 02 AM '76
F P P C

Ken Finney
May 18, 1976
Page 2

I hope that the foregoing information will assist you in reaching a determination. If additional information is desired, please do not hesitate to call on my office.

Sincerely,


John F. Duffy, Sheriff

JFD/MRR/cdc

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 2991
SAN DIEGO, CALIFORNIA 92112



JOHN F. DUFFY, Sheriff

DONALD R. OLIVER, Undersheriff

May 18, 1976

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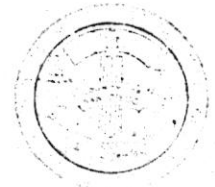
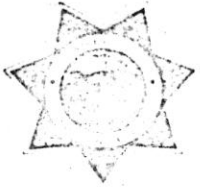

John F. Duffy, Sheriff

JFD/MRR/cdc

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 2901
SAN DIEGO, CALIFORNIA 92112



JOHN F. DUFFY, Sheriff

DONALD R. OLIVER, Undersheriff

April 29, 1976

A-76-596

Fair Political Practices Commission
Technical Assistance and Analysis
P.O. Box 807
Sacramento, CA 95814

Gentlemen:

In the past I have engaged in lobbying activities with members of the state legislature as well as state agency officials for the purposes of influencing, legislation or administrative action. The lobbying activities of my Department have been and are now centralized under the jurisdiction of one individual, myself, with the power to authorize or deny authorization for lobbying activities in connection with my official capacity as Sheriff of San Diego County.

Since I, as an elected public official, am exempt from the lobbying provisions of Proposition 9, and all lobbying activities are centralized and directly under my control, can that exemption under Section 86300 Government Code to an appointed member of my staff who is acting on my behalf?

Your earliest determination in this matter will be appreciated.

Sincerely,

John F. Duffy
John F. Duffy, Sheriff

JFD/MRR/cdc
236-2958

Agent of elected officer is covered by exemption so long as he is a messenger or representative of the officer and has no decision making authority.

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