

September 7, 1976

16-340

A. David Stutz, Attorney
Mitchell, Schmidt, D'Amico, McCabe & Stutz
2170 Fourth Avenue
San Diego, California 92101

Dear Mr. Stutz:

This letter is to confirm our telephone conversation of August 17, 1976, concerning a state legislator who is a candidate for reelection.

You stated that the legislator plans to have an advertising agency, in which his administrative assistant has a financial interest, place newspaper advertising relative to his reelection campaign. You asked whether the Political Reform Act prohibits this arrangement. I responded that the legislator may retain the services of the agency as long as the costs incurred are fully disclosed, either by the candidate, his committee or the advertising agency. Government Code Section 84303 states that no expenditure may be made by an advertising agency on behalf or for the benefit of a candidate or committee unless the payments made by the agency are reported by either the candidate, committee or the agency. The agency is obligated to make known to the candidate or committee all information required to be reported under the campaign disclosure provisions of the Act.

If we can be of further assistance, please contact our staff.

Sincerely,

Nan Hambleton
Special Compliance Representative

NH:bw

bcc: Jeanne P.

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A. DAVID STUTZ

August 19, 1976

Ms. Nan Hamilton
FAIR POLITICAL PRACTICES COMMISSION
Technical Assistant Division
1015 "L" Street
Sacramento, California 95814

REC'D
F P P C

Dear Ms. Hamilton:

On August 17, 1976 you rendered an opinion concerning the following set of facts:

Encumbant state legislator is running for re-election. His properly organized and registered Campaign Committee expends funds on behalf of the campaign with advertising agency for legitimate campaign purposes. Legislator's Administrative Assistant has a financial interest in the advertising agency.

Question posed: Is there anything illegal about the above set of facts?

Your oral answer to the above question indicated that there was currently no statutory prohibition or regulation involving the above transaction, provided it is all properly reported and for proper campaign purposes.

It would be greatly appreciated if you could state your opinion in writing for my file. Thank you in advance for your cooperation.

Sincerely,



A. DAVID STUTZ

ADS/avg