

82025

State of California



Fair Political Practices Commission

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Technical Assistance/Administration	• • •	Executive/Legal	• • •	Enforcement	• • •	Conflict of Interest
(916) 322-5660		322-5901		322-6441		322-6444

March 17, 1978

Honorable Mike Roos
 Member, California Assembly
 State Capitol
 Sacramento, CA 95814

78-03-076

Dear Assemblyman Roos:

This is in response to your letter dated January 6, 1978, requesting written advice under Government Code Section 83114(b). I apologize for the delay in responding.

In your letter, you described the possible use of a computer and terminal for both state and campaign use. The terminal, when used for campaign purposes, would be moved to a location not paid for by the state.

The cost of software (approximately \$500) would be paid for by the campaign. The one-time installment charge (approximately \$70) would also be paid for by the campaign. You anticipate using two computer time code numbers for separate billings to identify the operation for either state or campaign use. The actual computer time, used by either the state or campaign, will be billed on a monthly basis. The monthly rental cost could be paid either by splitting the cost evenly between the state and campaign or by splitting the cost based on actual state and campaign use.

The staff of the Fair Political Practices Commission finds nothing in your proposal which conflicts with the provisions of the Political Reform Act. Of course, the payments made by the campaign committee for the computer installment, software, rental and monthly billing must be reported as expenditures on the committee's campaign statements. See Government Code Section 82025 and 2 Cal. Adm. Code Section 18225. The staff does recommend that the monthly rental be paid by splitting the cost on the basis of the actual state and campaign use of the computer.

If you have any other questions, please contact me.

Sincerely,

Barbara Campbell

Barbara Campbell
 Counsel
 Legal Division

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MIKE ROOS
ASSEMBLYMAN, FORTY-SIXTH DISTRICT

January 6, 1978

Mr. Daniel H. Lowenstein, Chairman
Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Re: Request for opinion pursuant to Section 38114B

Dear Mr. Lowenstein:

After conversation with Mr. Lee Rosenthal of your office I would like a written opinion pursuant to Section 38114B of the Act in regard to the use of a computer and terminal in my office.

We have been exploring the possibility of using computer time and a terminal with acoustic coupler for constituent list compilation and maintenance, information retrieval, casework simplification and other office related functions.

The terminal is portable and therefore makes it versatile in its use. Being portable, we would like the option of using the terminal and computer time for campaign purposes. To use it for campaign purposes would require moving the terminal to a site not paid for by the state. In addition, to identify whether operation is for state or campaign use, we would institute the operation of two separate computer time code numbers for billing. Therefore, when being used for state purposes the state billing number would be used and when in operation for campaign use, the campaign number would be used.

All computer software, approximately \$500.00 for program development, would be paid for by the campaign. This software would be for both state and campaign use. The one time installment cost, approximately \$70.00 would be paid for by the campaign. The monthly terminal rental cost could be paid for in two ways: one - by splitting the cost evenly between the state and campaign (using

Mr. Daniel H. Lowenstein
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part of the \$800.00 assembly contingent for the state portion);
two - by checking the use and splitting the cost accordingly.
The actual computer time, billed monthly, would be registered
by the amount of time used.

I think the implementation of such a system is not only
efficient and practical but will lead to the most effective use
of employees time in serving our constituents.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Roos", written in a cursive style. The signature is positioned above the printed name "MIKE ROOS".

MIKE ROOS

MR:mg