

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

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

July 21, 1978

Terry Dixon
Office of Orange County
Counsel
P.O. Box 1379
Santa Ana, CA 92702

18-218

Dear Terry:

I reviewed the Fair Political Practices Commission's advice files after our telephone conversation yesterday afternoon. I found no letter of advice addressing the question of whether a candidate who raises \$500 has to file a Statement of Organization.

However, the staff has consistently advised that a candidate does not have to file a Statement of Organization when the candidate receives \$500 or more. The candidate will have to file candidate's campaign statements disclosing all contributions received and expenditures made. Government Code Sections 84200, 84201 and/or 84206.

If you have any further questions, please contact me.

Sincerely

Barbara

Barbara Campbell
Counsel
Legal Division

BC:plh

84101

CALIFORNIA
G.A.S.P.
GROUP AGAINST SMOKING POLLUTION

F P P
MAY 24 9 44 AM '78

MAIN OFFICE
P.O. Box 1061
Berkeley, CA 94701
(415) 849-1794
SOUTHERN CALIFORNIA OFFICE
P.O. Box 45893
Los Angeles, CA 90045
(213) 671-1492

May 21, 1978

78-219

ADVISORY BOARD

Jesse L. Steinfeld, M.D.
U.S. Surgeon General, 1969-73
Dean, School of Medicine,
Medical College of Virginia

Linus Pauling
Nobel Laureate
Research Professor
Linus Pauling Institute
of Science and Medicine

Dr. Glenn T. Seaborg
Nobel Laureate
University Professor of Chemistry
University of California, Berkeley

J. William Futrell
President, Sierra Club

John H. Moxley III, M.D.
Dean, School of Medicine
University of California, San Diego

Wilbert S. Aronow, M.D.
Professor of Medicine
Professor of Community &
Environmental Medicine
Professor of Medical
Pharmacology & Therapeutics
University of California, Irvine

Mr. Alan Herndon
Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Dear Mr. Herndon:

Following our most recent conversation, I spoke to Mr. William Durley in the Secretary of State's office and explained GASP's problem with respect to our filing status. He assured me that if we filed as a recipient committee retroactively, we would in all likelihood receive a waiver. I have decided to file as a recipient committee as of September 1, 1977, since I believe this is the "neatest" solution and the one which will avoid any future problems.

I am enclosing a copy of my letter to Mr. Durley outlining the reasons why we feel a waiver is appropriate, including the details of our correspondence and telephone conversations. I trust that I have accurately reflected the chain of events.

Thank you for your attention. I hope this matter can now finally be laid to rest!

Sincerely,

Peter Hanauer

Peter Hanauer
Treasurer

Encl.
PH/ht

*no resp necessary
per Alan H.*

78219

CALIFORNIA
GASP
GROUP AGAINST SMOKING POLLUTION

MAIN OFFICE
P.O. Box 1061
Berkeley, CA 94701
(415) 849-1794

SOUTHERN CALIFORNIA OFFICE
P.O. Box 45893
Los Angeles, CA 90045
(213) 671-1492

ADVISORY BOARD

Jesse L. Steinfeld, M.D.
*U.S. Surgeon General, 1969-73
Dean, School of Medicine,
Medical College of Virginia*

Linus Pauling
*Nobel Laureate
Research Professor
Linus Pauling Institute
of Science and Medicine*

Dr. Glenn T. Seaborg
*Nobel Laureate
University Professor of Chemistry
University of California, Berkeley*

J. William Futrell
President, Sierra Club

John H. Moxley III, M.D.
*Dean, School of Medicine
University of California, San Diego*

Berbert S. Aronow, M.D.
*Professor of Medicine
Professor of Community &
Environmental Medicine
Professor of Medical
Pharmacology & Therapeutics
University of California, Irvine*

Mr. William N. Durley
Office of the Secretary of State
Political Reform Division
111 Capitol Mall, Room 200
P.O. Box 1467
Sacramento, California 95807

May 21, 1978

Dear Mr. Durley:

As per our phone conversations on May 19, I am enclosing a Statement of Organization (Form 410) for California Group Against Smoking Pollution (GASP) and an amended Campaign Statement for the filing period ending on March 10. The amendment reflects the change in our status from an Expenditure Committee filing Form 461 to a Recipient Committee filing Form 420. Our change in status is for the sole purpose of complying with 2 Cal Adm Code Section 18215(d), an administrative regulation of the Fair Political Practices Commission, as it pertains to dues and other contributions to membership organizations, and in no way reflects any activities by GASP to raise funds directly for the Clean Indoor Air Act Initiative.

We have decided to change our status and file these forms after lengthy discussion and correspondence with Mr. Alan Herndon of the Fair Political Practices Commission regarding the applicability of the above-mentioned regulation to GASP. We feel very strongly that any fine that would normally be levied against us due to late filing should be waived for the following reasons:

- 1) As a result of our initial discussion with persons at the FPCC in the spring of 1977, it was our impression that with the formation of the Clean Indoor Air Committee (now the Campaign for Clean Indoor Air) to be the recipient committee during our campaign, GASP would be an expenditure committee only, and that it would be proper for GASP to mention the Initiative as one of its activities as long as we did not ask people to contribute to GASP in direct support of the initiative.
- 2) During the entire campaign, we have consistently made the distinction to both our members and the general public between GASP as an ongoing membership organization and the Clean Indoor Air Committee as the organization directing the initiative campaign and to which initiative contributions should be given.

3) After filing our first campaign statement on March 12, our status was questioned by the Los Angeles County Registrar's Office, which subsequently contacted the FPPC. Mr. Herndon in turn contacted us, and it was only then that we became aware of the FPPC regulation in question.

4) Further discussions with Mr. Herndon led to a letter from him on April 20, indicating that the FPPC had determined that we were not a recipient committee.

5) Within a few days thereafter, I contacted Mr. Herndon to inform him that contrary to one of the assumptions made in his letter, GASP has mentioned the Clean Indoor Air Act in letters to members asking them to renew their memberships (but not in our basic brochure used to attract new members). I then sent copies of proposed new renewal letters which I had hoped would obviate any problem with respect to our status while still mentioning the Initiative.

6) Mr. Herndon informed me on May 15 that even these proposed letters would not prevent us from being a recipient Committee. Rather than continue to attempt to split hairs over the precise language of our letters, we feel it will be better for all concerned to change our status, and to do so retroactively so as to be sure to cover all periods during which the letters in question have been used.

7) We have at all times attempted to comply with the requirements of the Political Reform Act and to cooperate with the governing agencies. We do not feel that we should be penalized because of a misunderstanding resulting from being unaware of a regulation, particularly in light of our good faith efforts to clarify the situation upon learning of the misunderstanding.

Although not directly related to the waiver issue, I might point out that in a further attempt to alert our members to the distinction between GASP and the Campaign for Clean Indoor Air, the GASP Board of Directors adopted a resolution at its regular meeting on May 2, 1978 to the effect that all funds raised between now and November, 1978 for memberships, shall go to the Campaign for Clean Indoor Air.

At your request, I am also enclosing the renewal letter which I recently used for about six months, and which was the first to mention the Initiative. Because we use the same letter for a long period of time, we do not date them, and I therefore cannot state the precise date on which we began to use it. I do know that we began in the late summer of 1977, and thus I am choosing September 1, 1977 as the date on which GASP became a recipient committee, for Form 410.

Mr. William N. Durley

page three

I hope that this letter and the enclosed forms will satisfactorily clarify our situation. I would appreciate a response as to our request for a waiver at your earliest convenience. Of course, if you have further questions, please do not hesitate to contact me.

Thank you for your attention.

Sincerely,

Peter Hanauer

Peter Hanauer
Treasurer

Encl.

cc: Mr. Alan Herndon
Registrar-Recorder of Los Angeles County
Registrar of Voters, City and County of San Francisco

PH:ht