

07217
18404

State of California



Fair Political Practices Commission

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

Technical Assistance	•••	Administration	•••	Executive/Legal	•••	Enforcement	•••	Conflict of Interest
(916) 322-5662		322-5660		322-5901		322-6441		322-6444

March 28, 1979

A-79-080

Philip M. Madden
 Kilpatrick, Clayton, Mayer
 and Madden
 200 Pine Avenue, Suite 606
 P.O. Box 2210
 Long Beach, CA 90801

Dear Mr. Madden:

This is in response to the letter dated March 16, 1979, from Douglas Otto, previously of your office, confirming our telephone conversation of that date. I have two modifications to the statements in Mr. Otto's letter.

The late contribution reporting requirement, Government Code Section 84214, imposes a 48 hour reporting deadline on late contributions. For makers of late contributions that are committees, the late contribution must be reported within 48 hours of the making to the appropriate filing officers. Therefore North American Phillips Lighting Corporation in Highstown, New Jersey was required to file a report within 48 hours of its making the \$35,000 contribution. The No on IV Committee ("Committee") was required to file its late contribution report within 48 hours of its receipt of the \$35,000 contribution. Your letter incorrectly suggests that North American Phillips Lighting Corporation and the Committee would be required to file at the same time.

With regard to the post-election filing requirements, I do not recall advising that the Committee's "next and final filing obligation" would be 65 days subsequent to the March 20, 1979, election. The campaign statement filed 65 days after the election will complete the Committee's election filings for the special election. However, if there is subsequent activity (contributions received or expenditures made) at a later time, semiannual or other election campaign statements will have to be filed. Government Code Sections 84200-04, 84206. The Committee will only cease to have a filing obligation when it terminates as a committee. See 2 Cal. Adm.

Philip M. Madden
March 28, 1979
Page Two

Code Section 18404, a copy of which is enclosed, which outlines the conditions under which a recipient committee can terminate.

I hope these modifications are clear to you. If you have any other questions, please feel free to contact me.

Sincerely,

Barbara Campbell
Barbara Campbell
Counsel
Legal Division

BC:plh

Enclosure

KILPATRICK, CLAYTON, MEYER & MADDEN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

8-26 12 13 14 19
R. J. KILPATRICK
STERLING S. CLAYTON
DONALD W. MEYER
PHILIP M. MADDEN
DENNIS P. GAUHAN
JUDY J. JOHNSON

74060
200 PINE AVENUE, SUITE 606
POST OFFICE BOX 2210
LONG BEACH, CALIFORNIA 90801
(213) 435-6565
(213) 775-3206

March 16, 1979

Barbara Campbell
Legal Division
Fair Political Practices Commission
1100 "K" Street
Sacramento, CA 95814

Dear Ms. Campbell:

It was a pleasure to speak to you today concerning campaign disclosure requirements for the No On IV Committee for the forthcoming March 20, 1979 Special Municipal Election to be held in Long Beach, California. You provided me with much useful information and alleviated most of my anxiety with regard to late contribution filings pursuant to California Government Code §84214 and the post-election disclosure filing required of the Committee under §84200 of the same code.

The purpose of this letter is to confirm the conclusions we reached today. I informed you that the No On IV Committee today received a \$35,000 contribution from North American Philips Lighting Corporation of Hightstown, New Jersey. The same amount was immediately deposited in the Committee's account in the Farmers & Merchants Bank at 302 Pine Avenue, Long Beach. You, in turn, informed me that the occasion of this contribution required a "late contribution" filing by both the Recipient Committee and North American Philips Lighting Corporation within 48 hours. Since the appropriate filing location for proponents and opponents of local ballot measures is the office of the City Clerk and that office is closed on Sunday, March 18, 1979, when the 48 hour time period expires, you informed me that a Monday filing, March 19, 1979, would satisfy the requirements of Government Code §84214.

Later, in the same conversation, we discussed post-election filing requirements for both the No On IV Committee and North American Philips Lighting Corporation. First you told me that the Committee's next and final filing obligation would be 65 days subsequent to the March 20, 1979 election and that the appropriate form for filing was Form 420. You then informed

Barbara Campbell
March 16, 1979
Page Two

me that since North American Philips Lighting Corporation contributed more than \$5,000 within a calendar year to political endeavors, it was required to file a Major Donor form, Form 461, including all contributions and independent expenditures made for political purposes.

Both the No On IV Committee and North American Philips Lighting Corporation are relying on the above advice. Should any of the statements contained in the preceding paragraph not coincide with your recollection of our conversation, please inform me at the earliest possible moment either by mail or by telephone.

Prior to our conversation, I spoke with Gene Morrow in the Secretary of State's Office and he provided me with the same information on which you and I have agreed. Once again, I want to thank you for your assistance.

Yours very truly,

KILPATRICK, CLAYTON, MEYER & MADDEN



Douglas W. Otto

DW0sjc

F P P O

KILPATRICK, CLAYTON, MEYER & MADDEN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

R. J. KILPATRICK
STERLING S. CLAYTON
DONALD W. MEYER
PHILIP M. MADDEN
DENNIS P. GAUHAN
JUDY J. JOHNSON

MAR 22 12 19 PM '79

200 PINE AVENUE, SUITE 606
POST OFFICE BOX 2210
LONG BEACH, CALIFORNIA 90801
(213) 435-6565
(213) 775-3206

March 16, 1979

Barbara Campbell
Legal Division
Fair Political Practices Commission
1100 "K" Street
Sacramento, CA 95814

Dear Ms. Campbell:

It was a pleasure to speak to you today concerning campaign disclosure requirements for the No On IV Committee for the forthcoming March 20, 1979 Special Municipal Election to be held in Long Beach, California. You provided me with much useful information and alleviated most of my anxiety with regard to late contribution filings pursuant to California Government Code §84214 and the post-election disclosure filing required of the Committee under §84200 of the same code.

The purpose of this letter is to confirm the conclusions we reached today. I informed you that the No On IV Committee today received a \$35,000 contribution from North American Philips Lighting Corporation of Hightstown, New Jersey. The same amount was immediately deposited in the Committee's account in the Farmers & Merchants Bank at 302 Pine Avenue, Long Beach. You, in turn, informed me that the occasion of this contribution required a "late contribution" filing by both the Recipient Committee and North American Philips Lighting Corporation within 48 hours. Since the appropriate filing location for proponents and opponents of local ballot measures is the office of the City Clerk and that office is closed on Sunday, March 18, 1979, when the 48 hour time period expires, you informed me that a Monday filing, March 19, 1979, would satisfy the requirements of Government Code §84214.

Later, in the same conversation, we discussed post-election filing requirements for both the No On IV Committee and North American Philips Lighting Corporation. First you told me that the Committee's next and final filing obligation would be 65 days subsequent to the March 20, 1979 election and that the appropriate form for filing was Form 420. You then informed

Barbara Campbell
March 16, 1979
Page Two

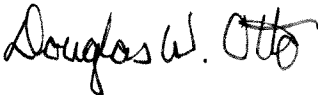
me that since North American Philips Lighting Corporation contributed more than \$5,000 within a calendar year to political endeavors, it was required to file a Major Donor form, Form 461, including all contributions and independent expenditures made for political purposes.

Both the No On IV Committee and North American Philips Lighting Corporation are relying on the above advice. Should any of the statements contained in the preceding paragraph not coincide with your recollection of our conversation, please inform me at the earliest possible moment either by mail or by telephone.

Prior to our conversation, I spoke with Gene Morrow in the Secretary of State's Office and he provided me with the same information on which you and I have agreed. Once again, I want to thank you for your assistance.

Yours very truly,

KILPATRICK, CLAYTON, MEYER & MADDEN



Douglas W. Otto

DWosjc