

# 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 •• Statements of Economic Interest  
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

November 25, 1980

Ronald W. Beals  
Attorney at Law  
1007 Seventh St., Suite 500  
Sacramento, CA 95814

A-80-11-100

Dear Mr. Beals:

I am writing in response to your letter of November 13, 1980, which refers to your telephone inquiry of March 10, 1980, about the Art Snyder Legal Defense Fund. As I understand it, this fund has been set up solely to defray Councilman Snyder's costs in defending himself against charges which do not involve his status as a candidate or his duties as a councilman. Under these circumstances, contributions to the fund are not campaign contributions, and need not be reported as campaign contributions by the donor.

Commission regulation 2 Cal. Adm. Code Section 18215(b) provides a guideline for determining whether a payment is or is not a campaign contribution:

(b) "Contribution" includes any monetary or nonmonetary payment for which full and adequate consideration is not made to the donor that is received by or made at the behest of:

(1) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his behest for personal purposes unrelated to his candidacy or status as an office holder. . . .

The legal defense fund, as you described it, is set up for a purpose which is unrelated to Councilman Snyder's candidacy or to his status as an officeholder. Therefore donations to this fund are not campaign contributions under the Political Reform Act. See also the Commission Opinion in the Matter of Buchanan, 5 FPPC Opinions 14 (May 1, 1979).

18215(b)

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Although donations to Councilman Snyder's legal defense fund do not have to be reported as campaign contributions, they do have to be reported on the Councilman's annual statement of economic interests as gifts if they exceed \$25, unless they come within one of the exceptions listed in Government Code Section 82028(b). See Government Code Section 87207. In addition, Councilman Snyder will be required to disqualify himself from acting in his official capacity on matters involving any person who has made a gift of \$250 or more to his legal defense fund. Government Code Sections 87100, 87103(c).

I hope that this answers your questions. If you have any further questions, please feel free to call me.

Very truly yours,



Barbara A. Milman  
Staff Counsel  
Legal Division

BAM:plh

RONALD W. BEALS

*Attorney at Law*

1007 SEVENTH ST.

SUITE 500

SACRAMENTO, CA 95814

916-441-6735

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November 13, 1980

Fair Political Practices Commission  
Technical Assistance and Analysis Div.  
1100 K Street  
P.O. Box 807  
Sacramento, CA 95804

Re: Art Snyder Legal Defense Fund

Dear Sirs:

This will confirm my November 10, 1980, phone conversation with your office that donations to the Art Snyder Legal Defense Fund, to be used only to defer Councilman Snyder's legal expenses, are not considered a campaign contribution and need not be reported by any party donating to this Legal Defense Fund.

Thank you very much.

Very truly yours,

  
RONALD W. BEALS

RWB/mlr

P.S. As I've not heard from your office since November 13, 1980, when I was informed this matter would be the subject of Legal Review, I assume this original opinion has not been changed.

bcc: Jim Sample