



# California Fair Political Practices Commission

August 5, 1987

Sarah Clarenbach  
Attorney at Law  
8048 Soquel Drive  
Aptos Village, CA 95003

Re: Your Request for Assistance  
Our File No. A-87-199

Dear Ms. Clarenbach:

You have written to us regarding the application of the Political Reform Act to your client, the Aptos Incorporation Study Group. Coincidentally, a very similar letter about the same issues has also been received from Mr. Tom Carmody of the Aptos Incorporation Study Group. A copy of our response to his letter is enclosed. I trust that this letter, together with a copy of the Fontana Opinion, 2 FPFC Ops. 25 (No. 75-162, February 4, 1976), will satisfactorily respond to your questions.

If you have any further questions or need further assistance, please do not hesitate to contact this office. I may be reached by phone at (916) 322-5901.

Sincerely,

Robert E. Leidigh  
Counsel, Legal Division

REL:plh  
Enclosures

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JUL 20 8 31 AM '87  
Telephone  
(408) 688-1424

July 16, 1987

✓ Diane Griffiths, Esq., Chief Counsel  
Robert Leidigh, Esq., Senior Attorney  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: Aptos Incorporation Study Group  
My File No. 0273

Dear Diane, Bob, or other Attorney:

I write pursuant to my telephone conversation of July 8 with Diane and July 9 with Bob regarding the above matter. As I told you, I am working with the Aptos Incorporation Study Group, and am making this inquiry at its request. The Group is a loose affiliation of people in the Aptos area, with no formal structure at this point, which is studying the feasibility of incorporating the community of Aptos.

I am writing to request an opinion from your office as to whether the Aptos Incorporation Study Group is an entity which falls under the regulation of the Fair Political Practices Act. In that regard, what if any rules pursuant to the Act might apply to this Group?

At this point, as I have indicated, the purpose of the Group is simply to study the feasibility of incorporation, not to take a position pro or con on incorporation. The Group wants to collect money from various individuals in our area with the hope of hiring a consultant to perform a study on feasibility of incorporation. It is conceivable that, if the study comes back favorable to incorporation, some of the people who are now working with the loose Aptos Incorporation Study Group may decide to support incorporation. At that point, whichever persons from the Group, or persons who may not now be involved with the Group, decide to support incorporation, would probably circulate petitions and go through the requisite procedure with LAFCO and other required agencies.

Diane Grittiths, Esq.  
Robert Leidigh, Esq.  
July 16, 1987

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A question of immediate concern is whether the Group can start collecting money and putting it into a bank account so that it can talk to consultants to get proposals for a feasibility study. If you could render a quick opinion on that question to begin with, we would much appreciate it, so that we can either begin collecting money or do the proper paperwork to qualify the Group to do so.

Please let me know if you need further factual background in order to begin your work. As I understand it from Bob, there is no charge for your service. If there is a fee for your work, please let me know that before you begin any tasks. I look forward to hearing from someone soon. Thank you for your assistance.

Sincerely,

SARA CLARENBACH 

SARA CLARENBACH  
Attorney at Law

SC:dvm

cc Ken Fleissner  
Terry Pershall  
Vic Marani  
Tom Carmody  
Kelly Walker  
Doug McConnell

\*\*\* Dictated but not read by Sara Clarenbach.



# California Fair Political Practices Commission

July 21, 1987

Sara Clarenbach  
8048 Soquel Drive  
Aptos Village, CA 95003

Re: 87-199

Dear Ms. Clarenbach:

Your letter requesting advice under the Political Reform Act was received on July 20, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:jaj