



California Fair Political Practices Commission

July 24, 1989

Kirk Alan Pessner
Paralegal Administrator
Political Reports Unit
Nielsen, Merksamer, Hodgson,
Parrinello & Mueller
650 California Street, Suite 2650
San Francisco, CA 94108

RE: Your Request for Informal
Assistance
Our File No. I-89-346

Dear Mr. Pessner:

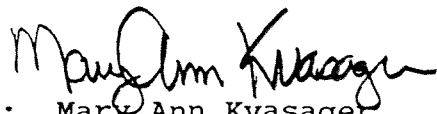
You have requested confirmation of telephone assistance I provided to you concerning the campaign disclosure provisions of the Political Reform Act.^{1/} Because you have not provided the name of your client, we consider your request to be for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

Your letter, dated June 1, 1989, correctly summarizes my advice that ongoing independent expenditures made during the 17 days prior to an election may be estimated and disclosed on a single late independent expenditure report. This advice is based on FPPC Advice Letter A-82-201 in which we advised it was permissible to estimate late contribution reports for non-monetary contributions of an ongoing nature.

Please call me at (916)322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Mary Ann Kvasager
Political Reform Consultant

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

LAW OFFICES OF
**NIELSEN, MERKSAMER,
HODGSON, PARRINELLO & MUELLER**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

650 CALIFORNIA STREET, SUITE 2650

SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 989-6800

SACRAMENTO

770 L STREET, SUITE 800
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

FILE NUMBER

June 1, 1989

Ms. Mary Ann Kvasager
Technical Assistance & Analysis Division
Fair Political Practices Commission
Post Office Box 807
Sacramento, California 95804-0807

Re: Request for Written Advice

Dear Mary Ann:

This letter will request written confirmation of oral advice you recently provided to me based on the following factual situation.

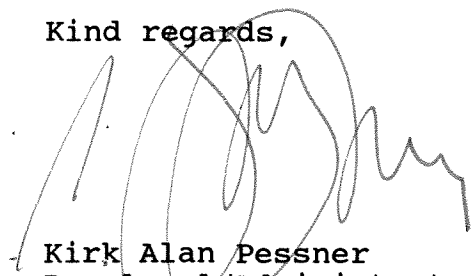
A client of this firm has made independent expenditures in connection with a municipal election to be held June 6, 1989. The filer has already complied with the requirements to file the Supplemental Independent Expenditure Reports (FPPC Form 465) with the local jurisdiction on both pre-election campaign filing deadlines. The filer will continue to make independent expenditures, which will be in excess of \$1,000, during the period between the closing date of the second pre-election campaign statement and election day (Government Code Section 82036.5) and intends to file a Late Independent Expenditure Report as required in Government Code Section 84203.

We asked whether late independent expenditures during this period could be estimated and disclosed on a single Late Independent Expenditure Report in the same manner that the Commission staff permitted estimated Late Contribution Reports for non-monetary contributions of an ongoing nature. (FPPC Informal Advice Letter A-82-201) You indicated by telephone that such Late Independent Expenditure Reports could be filed in that same fashion, and I am requesting that you confirm that advice in writing.

Ms. Mary Ann Kvasager
June 1, 1989
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If you have any questions or need any additional information, please do not hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read 'Kirk Alan Pessner', written over the typed name below.

Kirk Alan Pessner
Paralegal/Administrator
Political Reports Unit

KAP/mc



California Fair Political Practices Commission

June 7, 1989

Kirk Alan Pessner
Nielsen, Merksamer, Parrinello
& Mueller
650 California Street, Suite 2650
San Francisco, CA 94108

Re: Letter No. 89-346

Dear Mr. Pessner:

Your letter requesting advice under the Political Reform Act was received on June 5, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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 the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. 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,

Jeanne Pritchard by plh

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh