



California Fair Political Practices Commission

November 15, 1989

Howard L. McCalla
2650 Calle De Compadres
Alpine, CA 92001

Re: Your Request for Informal Assistance
Our File No. I-89-565

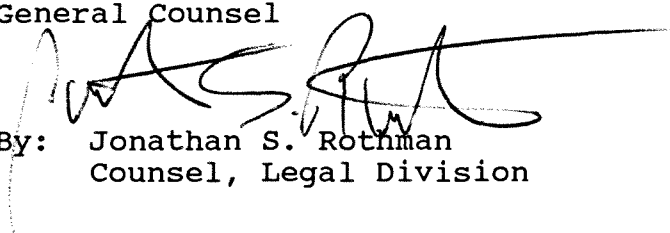
Dear Mr. McCalla:

You have requested advice under the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

The Commission's Legal Division provides written advice to persons with questions about their duties under the Act. We do not provide advice to third parties about another person's duties or obligations unless the third party has been authorized to request advice by the person whose duties or obligations are in question. (Section 83114, Regulation 18329; copy enclosed.) Therefore, we cannot provide advice on the question you have raised. However, if you believe a violation of the Act has occurred, you may contact our Enforcement Division at (916) 322-6441. A copy of a complaint for is enclosed for your convenience.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Jonathan S. Rothman
Counsel, Legal Division

KED:JSR:plh

Enclosure

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.

HOWARD L. McCALLA

2650 CALLE DE COMPADRES

ALPINE, CALIF. 92001

(619) 445-5738

SEP 29 FPPC
2 36 PM '89

September 26, 1989

Fair Political Practices Commission
Attention: John Larsen, Chairman
428 "J" Street - Suite 800
Sacramento, CA 95814

SUBJECT: Request for ruling on application of the term
"assuming office" [Gov. Code Section 87302(b)].

Dear Mr. Larsen,

On July 18, 1989 the San Diego County Board of Supervisors filled an existing vacancy on the Alpine Planning Group by appointing an Alpine resident named Ulf Brynjestad. [See attached Board minute order #66.] Financial disclosure statements are required under Section 87302(b) "within 30 days of assuming office...". The purpose of this letter is to request an FPPC ruling on when this appointee is deemed to have "assumed office". Was it the date of his appointment or was it the date he attended his first meeting as a member.

The appointee attended his first meeting on July 27, 1989, the regular meeting for that month. The Alpine Planning Group has held many special meetings and if one had been scheduled between July 18 and July 27 the appointee would have been on the Group Membership Roll as a member.

Planning Group Members are not "sworn in" nor are they required to sign any oath of office. The sole authority for the existence and functioning of the Alpine Planning Group [one of many in San Diego County] is in Board of Supervisors Policy I-1, a copy of which is attached. The County's planning groups are part-time citizen advisory bodies elected by local registered voters and their members serve four year terms [Policy I-1, pp. 2,3, & 4]. Planning Group Members have been made subject to the Political Reform Act financial disclosure requirements [Policy I-1, pp. 4 & 5].

Relevant references to the filling of Planning Group vacancies are on pages 13 and 14 of Policy I-1. Please note that Article II, Section III [page 13] states:

"Appointees to vacancies shall serve out **the full unexpired term** of the vacant seat." [emphasis added].

A ruling on when this appointee "assumed office" would be appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Howard D. McCall".

Attachments: Board Minute Order #66 - July 18, 1989
Board of Supervisors Policy I-1

HOWARD L. MCCALLA

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Board of Supervisors Policy I-1



California Fair Political Practices Commission

October 2, 1989

Howard L. McCalla
250 Calle De Compadres
Alpine, CA 92001

Re: Letter No. 89-565

Dear Mr. McCalla:

Your letter requesting advice under the Political Reform Act was received on September 29, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jonathan Rothman 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. 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,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh