



# California Fair Political Practices Commission

SUPERSEDED BY 1998  
AMENDMENTS TO  
REGULATION 18530

May 11, 1990

Hugh Breckenridge  
Attorney at Law  
4199 Campus Drive  
Suite 700  
Irvine, CA 92715

Re: Your Request for Informal Assistance  
Our File No. I-90-175

Dear Mr. Breckenridge:

This is in response to your request for advice concerning the application of the Political Reform Act<sup>1</sup> (the "Act") to the City of Irvine's expenditure of funds to defend a lawsuit challenging the right of Cameron Cosgrove to hold the office of city councilmember.

Your request for advice concerns past actions which may or may not violate provisions of the Act. Furthermore, you are not seeking the advice on behalf of the City of Irvine or other persons alleged to have violated the Act. Under Regulation 18329 (copy enclosed), the Commission does not offer advice when the request concerns past conduct (Regulation 18329(b)(8)(A)) or when the requestor is not authorized to represent the person whose duties under the Act are in question (Regulation 18329(b)(8)(B)).<sup>2</sup>

Therefore, we can only refer you to the requirements and Commission interpretations of the Act as they generally apply to the facts presented.

<sup>1</sup> 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.

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

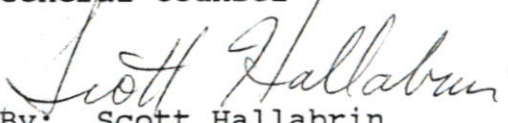
Your questions concern two general areas covered by the Act. One is Section 85300, which prohibits public officers from expending and candidates from accepting "public moneys for the purpose of seeking elective office." The Commission staff has interpreted Section 85300 in two pertinent advice letters: the Calhoun Advice Letter, No. A-90-047 and the Gatling Advice Letter, No. I-90-048. We enclose copies of these letters for your reference. Also, the Commission has interpreted Section 85300 for the purposes of its application to the circulation of candidate's statements pursuant to Elections Code Section 10012. We enclose a copy of Regulation 18530, which sets forth this interpretation.<sup>3</sup>

Your other question concerns what constitutes a contribution under the Act. As you are aware, Section 82015 defines contribution. The Commission has further defined that term in Regulation 18215, a copy of which we enclose for your reference. The Commission has also issued opinions and advice letters on the question of what is a contribution. However, none of these opinions or letters analyzes a question similar to the one presented in your case. We nevertheless enclose copies of one opinion (In re Mansini (1974) 2 FPPC Ops. 38) and one advice letter (Raye Advice Letter, No. A-86-102) which indicate the Commission's analysis of somewhat analogous issues.

We are sorry that we are unable to give our analysis of your case. However, we hope that the enclosed information will assist you in advising your client on his future course of action.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: Scott Hallabrin  
Counsel, Legal Division

KED:SH:ld

Enclosures

cc: Philip D. Kohn  
RUTAN & TUCKER  
Central Bank Tower, Suite 1400  
South Coast Plaza Town Center  
611 Anton Boulevard  
Costa Mesa, CA 92628-9990

<sup>3</sup> Regulation 18530 was adopted by the Commission in March 1989. However, due to inadvertent omission of a phrase in the noticed version regulation that was adopted, the regulation has been renoticed for adoption on June 6, 1990.