



California Fair Political Practices Commission

May 4, 1990

Ann M. Peifer
Office of Paul Carpenter
Member, State Board of Equalization
4040 Paramount Blvd., Suite 103
Lakewood, CA 90712

Re: Your Request for Confirmation of
Telephone Advice
Our File No. I-90-257

Dear Ms. Peifer:

We have received your letter dated March 29, 1990 (copy enclosed) seeking written confirmation of the telephone advice provided to you by this agency on that date regarding the responsibilities of Mr. Carpenter, a member of the State Board of Equalization, under the campaign contributions provisions of the Political Reform Act ("the Act").¹ Your letter substantially reflects the advice given to you, although some clarification is necessary.

You were advised that funds raised by the Carpenter Campaign Committee could be used to pay for legal expenses incurred to defend against a criminal indictment concerning Mr. Carpenter's conduct in his capacity as an elected official, and that a separate "legal defense fund" committee was not required to be established.

You were further advised that the Act regards funds expended to defend against the indictment as "expenditures," and that funds received for those expenditures as "contributions." The Act requires all contributions to the committee to be deposited in the committee's account, and all expenditures to be made from the account. (Section 85201.)

Because the funds received for the purpose of paying for the legal expenses are contributions under the Act, they are subject to the Act's limitations contained in Sections 85301 and 85303.²

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

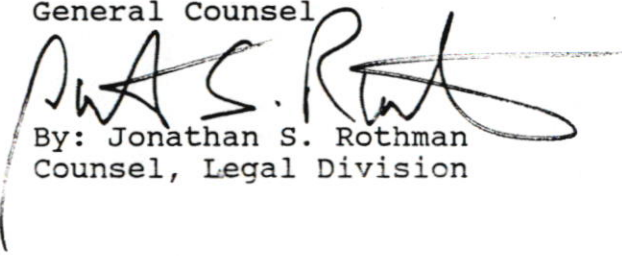
² The Act also prohibits the comingling of such contributions with the personal funds of the recipient or any other person. (Section 84307.)

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I trust this letter has provided you with the guidance you requested. If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Jonathan S. Rothman
Counsel, Legal Division

KED:JSR:plh

Enclosure