



California Fair Political Practices Commission

December 5, 1990

Peter A. Bagatelos
Bagatelos & Fadem
The International Building
601 California Street, Suite 1801
San Francisco, CA 94108

Re: Your Request for Confirmation of
Telephone Advice
Our File No. A-90-625

Dear Mr. Bagatelos:

We have received your letter dated October 29, 1990, seeking written confirmation of the telephone advice I provided to you regarding use of campaign funds under the Political Reform Act ("the Act").¹

Except as indicated below, your letter accurately summarizes the telephone advice² that I provided to you. Regulation 18329(c)(4) (copy enclosed) provides:

The Commission may decline to provide informal assistance or may limit such assistance to the explanation, in general terms, of the requirements of the Act in any of the following circumstances:

. . .

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 Telephone advice does not provide the requestor with the immunity provided by Section 83114. Regulation 18329(c)(3). Only actions taken in reliance upon Commission opinions or written advice may be afforded such immunity. Section 83114.

(C) Assistance or advice is being sought regarding the duties of another person and the requestor does not appear to be authorized to make the request as the person's representative, or does not provide the identity of the person on whose behalf the assistance is being sought.

. . .

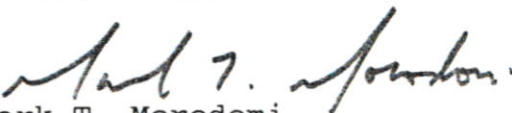
While I did not decline to provide you informal assistance, your question was not one that was amenable to advice in general terms and required my knowledge of the position your client held and the event he was attending. The Commission's position on informal advice is, as I articulated, set forth in its regulations, in particular Regulation 18329. To the extent your letter expresses a policy inconsistent with the regulation, it is incorrect.

Finally, I advised that under Section 85802(f)(1) compensation received by a public employee from a public agency constitutes full and adequate consideration for services performed in connection with the public employment. We have interpreted this language to mean that campaign funds may not be used to provide additional compensation for services performed in connection with public employment. Campaign funds may, however, be used for a personal gift if the gift is directly related to a political, legislative, or governmental purpose. Id. Section 85802(f)(2) deems any gift of less than \$100 to a public employee to be directly related to the aforementioned purposes.

If you have any further questions regarding this matter please contact me at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Mark T. Morodomi
Counsel, Legal Division

SH:MTM:dg

Enclosures