



California Fair Political Practices Commission

December 4, 1990

Nancy Montalvo, Ed.D.
Superintendent
San Ysidro School District
4350 Otay Mesa Road
San Ysidro, CA 92073-1685

Re: Your Opinion Request
Our File No. 90-709

Dear Dr. Montalvo:

On November 20, 1990, the Fair Political Practices Commission received your request for an opinion. Your request concerned how you should proceed with respect to an issue that has arisen in the San Ysidro School District relating to the mass mailing provisions of the Political Reform Act.¹ After reviewing your letter, I have decided to deny your opinion request.

My decision to deny your request is based upon the following grounds:

1. Your request does not raise a substantial question of interpretation and is more appropriately handled by staff. (Regulation 18320(f)(2), copy enclosed.)
2. Your request is focused upon the conduct of another party and it is not clear that you have sufficient standing to justify the opinion being issued. (Regulation 18320(f)(3); Regulation 18329(b)(8)(B), copy enclosed.)
3. Your request includes questions outside the scope of the Political Reform Act. (Regulation 18320(f)(7).)
4. Your request seeks advice relating to past conduct. (Regulation 18329(b)(8)(A).)

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.

We have previously advised you in our letter of November 21, 1990, that a staff member of our Legal Division would be responding to your request with either formal or informal written advice as appropriate. However, in view of the past conduct described in your request for opinion, we have determined that this matter should instead be referred to our Enforcement Division. Our Enforcement Division can be reached at (916) 322-6441.

You have the right to appeal this denial to the Commission pursuant to Regulation 18321 (copy enclosed). If you plan to appeal, please let us know as soon as possible so that we may place the item on the Commission's agenda for the next meeting.

If you have any questions concerning this letter, please contact Scott Hallabrin, Acting General Counsel, at (916) 322-5901.

Sincerely,


Gregory W. Baugher
Executive Director