



California Fair Political Practices Commission

August 5, 1992

Stephen M. Eckis
McDougal, Love, Eckis,
Grandle and O'Connor
460 North Magnolia
P. O. Box 1466
El Cajon, CA 92022-1466

Frederick K. Lowell
Pillsbury, Madison and Sutro
P. O. Box 7880
San Francisco, CA 94120-7880

Re: Government Code Section 83116.5
Our File No. I-91-537c

Dear Mr. Eckis and Mr. Lowell:

As you are aware, at its meeting of July 2, 1992, the Commission directed staff to further revise our advice regarding the enforcement of Government Code Section 83116.5.¹ Changes to the prior advice have been made in response to the directives given to staff concerning the potential liability of government employees when acting within their legitimate scope of responsibility.

In general, the Commission asked that we revise the advice previously provided to you to clarify that Section 83116.5 will not be enforced where Political Reform Act advice is given to facilitate decisions in the government decision making process, or as in the case of filing officers, where such advice is given in their official capacity.

Therefore, until the Commission adopts a regulation, or unless it further directs staff otherwise, we intend to enforce Section 83116.5, as it relates to government officials giving Political Reform Act advice in their official capacities, in a manner consistent with the Commission's directive. We intend to submit a regulation to the Commission consistent with this directive at the Commission's meeting on September 3, 1992.

¹ All references are to the Government Code.

We have received your written comments in this regard and will consider those, and any other comments that you or your colleagues may wish to submit concerning this regulation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wayne Ordos".

Wayne Ordos
Executive Director

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