



# California Fair Political Practices Commission

May 24, 1993

Lily Cervantes  
Attorney at Law  
P.O. Box 1554  
Salinas, CA 93902

Re: Your Request for Advice  
Our File No. A-93-166

Dear Ms. Cervantes:

This is in response to your request for advice under the conflict-of-interest provisions of the Political Reform Act.<sup>1/</sup>

## QUESTION

Does Section 84308 prohibit you, a member of the California Coastal Commission, from directing a campaign contribution from the Salinas Area Voter Project, a recipient committee, to a county supervisor candidate?

## CONCLUSION

Section 84308 prohibits you from directing a contribution from a party, participant or agent in a proceeding before the California Coastal Commission. Assuming the Salinas Area Voter Project is not a party, participant or agent in a proceeding before the Coastal Commission, you may direct a contribution from the Salinas Area Voter Project to the supervisorial candidate.

## FACTS

You are currently a member of the California Coastal Commission, which is a state agency. In addition, you are the treasurer of the Salinas Area Voter Project Committee ("committee"). The committee is a recipient committee formed for the purpose of supporting candidates and ballot measures, and encouraging voter registration. As the treasurer of the committee

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<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.

you desire to contribute the balance of the committee's funds, \$1,922, to Monterey County Supervisorial candidate Jesse Sanchez. You are the campaign manager of the Sanchez for Supervisor campaign.

ANALYSIS

Section 84308 provides that no officer of an agency<sup>2/</sup> shall accept, solicit, or direct a contribution of more than \$250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest as used in Section 87100.<sup>3/</sup> This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

An officer "solicits" a contribution only if he or she knows or has reason to know that the person being solicited for a contribution is a party or agent of a party, or is a participant or agent of a participant and either:

(1) The officer or candidate personally requests a contribution for his or her own campaign or controlled committee, or for any other candidate, public official or committee, either orally or in writing; or

(2) The agent of the officer or candidate with the officer or candidate's knowledge, requests a contribution for the officer or candidate's own campaign or controlled committee.

Regulation 18438.6(c)

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<sup>2/</sup> "Agency" means any state agency or local government agency. (Section 82003.)

<sup>3/</sup> In addition if an officer has in fact accepted a contribution of more than \$250 during the last 12 months from a party or participant in a proceeding involving a license, permit or other entitlement for use pending before an agency, the officer must disclose that fact on the record of the proceeding and must disqualify himself or herself from participating. (Section 84308(c).)

An officer "directs" a contribution if he or she acts as the agent of another person or of a committee other than his or her own controlled committee in accepting a contribution on behalf of, or transmitting a contribution to, such other person or committee.

Regulation 18438.6(e)

In your letter you indicated that you are interested in contributing the balance of the committee funds to the Sanchez for Supervisor campaign. By doing so, you are directing a contribution on behalf of another candidate for office. You are prohibited from doing so if the committee was a party, a participant, or an agent of a party or participant in a proceeding before the California Coastal Commission as described in Section 84308.

Assuming that the committee is not a party, participant, or agent in such a proceeding, you would not be prohibited from directing the committee's contribution to the Sanchez for Supervisor campaign.

I trust this answers your question sufficiently. If you have additional questions, please feel free to contact the Commission's Legal Division at (916) 322-5901.

Sincerely,

Jeff Marschner  
General Counsel



By: Jeanette E. Turvill  
Political Reform Consultant  
Legal Division

JM/JET/jt