

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

March 4, 1996

Mr. Daniel Hentschke
City Attorney
City of Oceanside
Office of the City Attorney
300 North Coast Highway
Oceanside, California 92054

Re: Your Request for Advice
Our File No. A-96-047

Dear Mr. Hentschke:

This is in response to your question regarding the Commission's policy for providing advice under the Political Reform Act (the "Act").¹

Pursuant to Section 83114(b) and Commission Regulation 18329, the Commission provides formal written advice and informal assistance to public officials concerning their duties under the Act. As we discussed, however, it has long been the Commission's policy not to provide written advice or telephonic assistance to a party involved in litigation, if the advice request contains an issue that the court may consider. (Alperin Advice Letter, No. I-86-111; and Woodside Advice Letter, No. A-85-106.)

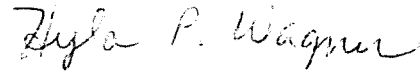
The Commission believes that once a matter concerning a public official's duties under the Act is pending before a court, the determination of the law's application is in the hands of the judicial branch.

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, Sections 18000-18995.

If you have any further questions regarding this matter,
please contact me at 916/322-5660.

Sincerely,

Steven G. Churchwell
General Counsel

A handwritten signature in cursive script that reads "Hyla P. Wagner".

By: Hyla P. Wagner
Counsel, Legal Division