



FAIR POLITICAL PRACTICES COMMISSION

P.O. Box 807 • 428 J Street • Sacramento, CA 95812-0807
(916) 322-5660 • Fax (916) 322-0886

May 2, 2002

Sharon L. Dawson, City Clerk
City of Santa Clarita
23920 Valencia Boulevard, Suite 300
Santa Clarita, CA 91355-2196

**Re: Your Request for Informal Assistance
Our File No. I-02-055**

Dear Ms. Dawson:

This letter is in response to your request for advice regarding the conflict-of-interest provisions of the Political Reform Act (the "Act").¹ Please note that the Commission does not provide advice relating to past conduct. (Regulation 18329, subd. (b)(8)(A), (c)(4)(A), enclosed.) Therefore, any conclusions contained herein apply only to prospective actions. In addition, since you have not requested advice with respect to any specific decision, we can only provide you with informal assistance.²

The city has a local ordinance, Municipal Code Section 7.02.030(a) that states, "No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution which would cause the total amount contributed by that person to that candidate, or committees controlled by that candidate to exceed \$250 per election contest."

Pursuant to Government Code Section 85308, contributions made by a husband and wife may not be aggregated. That section further states that a contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

In light of your local ordinance, you ask whether contributions of \$2,500 or more reported on campaign statements filed with your office would violate your local contribution limit if the reported contribution is from a "student."

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code section 83114; Regulation 18329(c)(3).)

ANALYSIS

Although the Commission is authorized to offer general advice and technical assistance with respect to duties and responsibilities arising under the Act, we do not advise regarding compliance with other bodies of law, such as your local ordinance. You should consult your city attorney's office for advice regarding local requirements. You correctly observe that Government Code section 85308, subdivision (b), provides that a contribution made by a child under 18 is presumed to come from the parent or guardian. The Commission recently considered how this subdivision would be implemented and determined the statute establishes a rebuttable presumption under subdivision (b). Thus, the presumption may be overcome under certain circumstances. For your general information, attached is a copy of the staff memorandum discussing the statute and associated regulatory issues for future reference. Also enclosed is the Commission's opinion in *In re Pelham*, O-00-274 which discusses in greater detail how the issue of contributions from minors has been treated in the past.

If you have any other questions regarding this matter, please contact me at (916) 322-5660. We encourage you or any candidates in the future to write in for further advice when a particular case presents itself for consideration.

Sincerely,

Luisa Menchaca
General Counsel

By: C. Scott Tocher
Counsel, Legal Division

CST:jg
I:\AdviceLtrs\02-055

Enclosures