



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

June 13, 2008

Mario Beltran
7936 Garfield Avenue
Bell Gardens, CA 90201

Re: Your Request for Advice
Our File No. A-08-079

Dear Mr. Beltran:

This letter is in response to your request for advice regarding your ability to use campaign funds, or establish a legal defense account under Section 85304.5, to pay for attorney's fees and related legal costs to defend yourself in a criminal case for alleged misuse of campaign funds.

We need additional information about the allegations regarding misuse of campaign funds in order to complete the analysis required in your request for advice. Specifically, we require an explanation as to how the allegations are "directly related to a political, legislative, or governmental purpose" and how the litigation arises directly out of your "activities, duties, or status" as a candidate or elected officer, as required under Government Code Section 89514.

Also, we require similar information to determine whether the criminal case arises "directly out of the conduct of an election, campaign, the electoral process, or the performance" of your "governmental activities and duties" as required under Section 85304. This analysis pertains to your question regarding the possibility of establishing a legal defense account and using funds from this account to pay for your attorney's fees and other related legal costs.

Please note that the Commission has advised that campaign funds may not be used to defend against charges that do not arise directly out of the candidate or officeholder's duties, activities, or status as a candidate or officeholder. For example, we have advised that a council member who was accused of falsifying a city government health insurance document could not use campaign contributions for his legal defense. (*Breitbart* Advice Letter, No. A-95-058.) The Commission stated this was an impermissible use of campaign funds because the actions related to any employment or any employee with health insurance and was not based on the fact that the individual was a public official.

FILE

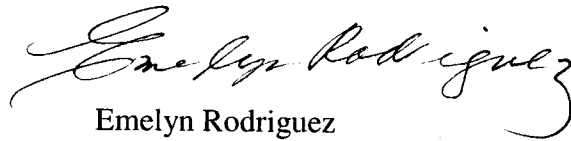
Therefore, whether or not attorney's fees may be paid with campaign funds or with legal defense funds depends on the facts of each case. We lack sufficient facts to make this determination.

Please provide additional information in writing by June 27, 2007 so that we may proceed with your request. If we do not receive the requested information in writing by the date indicated, we will consider your request withdrawn.

Please be advised that the 21-working days which we have to issue our response does not begin until we receive the requested information.

If you have additional questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

A handwritten signature in cursive script that reads "Emelyn Rodriguez". The signature is written in black ink and is positioned above the typed name and title.

Emelyn Rodriguez
Commission Counsel
Legal Division

ER:jgl



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

July 16, 2008

Mario Beltran
7936 Garfield Avenue
Bell Gardens, CA 90201

Re: Your Request for Advice
Our File No. A-08-079

Dear Mr. Beltran:

This correspondence is written confirmation that the Fair Political Practices Commission has withdrawn your May 18, 2008, request for advice under the provisions of the Political Reform Act.¹

Staff has asked you for additional information (in letters dated June 13, 2008 and July 9, 2008) in response to your request for advice regarding your ability to use campaign funds, or establish a legal defense account under Section 85304.5, to pay for attorney's fees and related legal costs to defend yourself in a criminal case for alleged misuse of campaign funds. To date, we have not received this information.

Without the additional information, we are unable to proceed. Therefore, we have withdrawn your request for advice and no response will be prepared.

If you obtain additional information, you may write again for advice. If you have any questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Scott Hallabrin
General Counsel

A handwritten signature in cursive script that reads "Emelyn Rodriguez".

By: Emelyn Rodriguez
Commission Counsel

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.