



FAIR POLITICAL PRACTICES COMMISSION

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To: Chair Ravel and Commissioners Eskovitz, Garrett, Montgomery and Rotunda

From: Zackery P. Morazzini, General Counsel

Subject: Monthly Report on Legal Division Activities

Date: December 13, 2012

A. OUTREACH AND TRAINING

Sukhi Brar along with Trish Mayer of the Technical Assistance Division delivered a local ethics-training seminar to the Metropolitan Water District of Southern California in Los Angeles, California on September 10th. Sukhi spoke on conflicts of interest, revolving door and gift related issues, while Trish spoke on the specifics of reporting economic interests on the Statement of Economic Interests (Form 700).

On November 29th, Senior Commission Counsel Scott Hallabrin served as a panelist at the annual City Clerks' New Law and Elections Seminar, where he provided updates on the Commission's revisions to the gift, behested payment, and conflict-of-interest regulations and 2012 amendments to the Political Reform Act affecting the duties of filing officers. There will be approximately 270 attendees.

B. FINDINGS OF PROBABLE CAUSE AFTER HEARING

Please note: A finding of probable cause does not constitute a finding that a violation has actually occurred. The respondents are presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding.

The following cases were decided after a probable cause conference.

In the Matter of David Shawver, FPPC No. 12/191. On September 4, 2012, probable cause was found to believe that Respondent David Shawver committed two violations of the Political Reform Act, as follows:

COUNT 1: On January 26, 2010, Respondent David Shawver, in his capacity as a Stanton City Councilmember, made a governmental decision in which he had a financial interest, by voting to approve his appointment to the board of the Orange County Fire Authority, the board of the Orange County Sanitation District, and the board of the Public Cable Television Authority, in violation of Government Code Section 87100.

COUNT 2: On January 11, 2011 Respondent David Shawver, in his capacity as a Stanton City Councilmember, made a governmental decision in which he had a financial interest, by voting to approve his appointment to the board of the Orange County Fire Authority, the board of the Orange County Sanitation District, and the board of the Public Cable Television Authority, in violation of Government Code Section 87100.

In the Matter of Bill Berryhill, Tom Berryhill, Bill Berryhill for Assembly – 2008, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), San Joaquin County Republican Central Committee/Calif. Republican Victory Fund, FPPC No. 10/828

On September 20, 2012, probable cause was found to believe that respondents committed 16 violations of the Political Reform Act, as follows:

**Money Laundering and
Unlawful Circumvention of Campaign Contribution Limits**

COUNT 1: On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 2: On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600.

However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of \$20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 3: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 4: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of \$20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent San Joaquin County Republican

Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The San Joaquin County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 5: In connection with a fundraiser that was held on or about October 28th, 2008, and as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600 per election, and Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to Respondent Bill Berryhill for Assembly as of the end of 2007. However, Respondent Tom Berryhill, by and through his controlled committee, made an additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in excess of \$4,000 toward the cost of organizing and holding the above-referenced fundraiser of October 28th, which was for the benefit of Respondent Bill Berryhill. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution from his brother. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

False Reporting

COUNT 6: On or about October 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way,

Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the sources of contributions received.

COUNT 7: On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

COUNT 8: On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 2 by falsely reporting that the contribution in question (in the amount of \$20,000) was made to Respondent Stanislaus County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 9: On or about October 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 3 through 4 by falsely reporting that the contribution in question (in the amount of \$20,000) was made to Respondent San Joaquin County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 10: On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were made to Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84211, subdivision (k), which requires accurate reporting of information about the recipients of contributions.

Failure to Report the Making and Receipt of an In-kind Contribution

COUNT 11: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

COUNT 12: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c) and (f).

COUNT 13: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution report with the Secretary of State within 24 hours of making the contribution, in violation of Section 84203, subdivisions (a) and (b).

COUNT 14: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (b), (i) and (k).

Failure to Report Gifts Received

COUNT 15: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of park tickets from the Walt Disney

Company—worth approximately \$244—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

COUNT 16: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—worth approximately \$59.50—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

In the Matter of Jack DeLiddo for Ripon School Board, Jack DeLiddo, Candidate, and Jayme Curtiss, Treasurer, FPPC No. 12/330. On October 29, 2012, probable cause was found to believe that Respondents committed six violations of the Political Reform Act, as follows:

COUNT 1: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of February 3, 2009 through June 30, 2009 by the July 31, 2009 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 2: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of July 1, 2009 through December 31, 2009 by the February 1, 2010 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 3: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of January 1, 2010 through June 30, 2010 by the August 2, 2010 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 4: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of July 1, 2010 through December 31, 2010 by the January 31, 2011 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 5: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of January 1, 2011 through June 30, 2011 by the August 1, 2010 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 6: Respondents Deliddo, Curtiss, and Jack Deliddo for Ripon School Board, failed to timely file, with the San Joaquin Registrar of Voters, a required semiannual campaign statement for the reporting period of July 1, 2011

through December 31, 2011 by the January 31, 2012 due date, in violation of Government Code Section 84200, subdivision (a).

In the Matter of Wisdom Culture and Education Organization, FPPC No. 11/475. On November 8, 2012, probable cause was found to believe that Respondent committed eight violations of the Political Reform Act, as follows:

- COUNT 1: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Mei-Chih Tsai, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 2: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Vincent Tsai, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 3: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Pi Ling Tsai, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 4: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Tswei-Ping Wu, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 5: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Lana Chii Yun Chang, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 6: On or about February 22, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Tyan-Shu Jou, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 7: On or about February 25, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Yu-Fen Hsu, rather than its own name, in violation of Section 84301 of the Government Code.
- COUNT 8: On or about March 8, 2008, Respondent Wisdom Culture and Education Organization made a \$500.00 contribution to Steve Cho for Mayor, a candidate for Fremont Mayor, in the name of Becky Tsai, rather than its own name, in violation of Section 84301 of the Government Code.

C. ADVICE LETTER SUMMARIES
LETTERS ISSUED BETWEEN SEPTEMBER 1, 2012 TO OCTOBER 31, 2012

From September 1, 2012 to October 31, 2012, the Legal Division received 19 advice letter requests and issued 13 advice letters.

Campaign

David Lawrence Morton

I-12-078

A filing officer has discretion to wait on assessing a late fine until ten days has elapsed after the semi-annual filing deadline as long as specific written notice is **NOT** sent. A filing officer must ensure that the fine procedure is applied to all filers on an impartial basis.

James R. Sutton

I-12-097

Based on where a committee conducts its political activity, Section 82027.5 and Regulation 18227.5 define when a general purpose committee is considered a "state," "county," or "city" committee. The statutory and regulatory definitions of "general purpose committee" under the Act are applicable both for purposes of Section 84215, which sets forth where a state, county or city committee files campaign reports, and for purposes of Section 81009.5, concerning the authority of local jurisdictions to impose additional filing requirements on committees active only in their jurisdiction. Accordingly, it is our interpretation that a city or county's campaign rules apply to a general purpose committee that meets the definition of a "city" or "county" committee.

Ash Pirayou

A-12-135

A 501(c)(3) non-profit organization does not have to disclose its donors pursuant to Regulations 18412 and 18215 if it makes contributions from non-donor revenues such as investment income and fees for service. It would only incur reporting obligations under the Act if it meets the thresholds for an independent expenditure or major donor committee under either Section 82013(b) or (c).

Conflict of Interest

Barbara S. Gaul

I-12-115

The tickets from the Alzheimer's Association received by the daughter of a public official, which are based on the daughter's independent relationship with the source of the gift, are not a gift to the official and will not create a conflict of interest for the official in her work with the Law Revision Commission.

Vigo G. Nielsen, Jr.

A-12-125

So long as the official continues to pay the full market value for the lease of an airport hangar, he has not received a gift. There are no facts indication that a decision regarding a soccer field project proposed by the airport's owner adjacent to the airport will have a reasonably foreseeable material financial effect on either the official's economic interest in the lease of the airport hangar or his personal finances.

Ryan O. Hodge

A-12-126

Based on facts provided the Councilmember does not have a disqualifying conflict of interest based on his family trust (that is revocable and provides him no income).

Carl Sherrill

I-12-127

Supporting or opposing a ballot measure regarding a development project does not give rise to a disqualifying conflict-of-interest under the Act should the person be elected to office. The Act's conflict-of-interest rules prohibit a public official from taking part in a governmental decision before his or her agency *only* if there is a reasonably foreseeable material financial effect on an economic interest recognized under the Act. A public official does not violate the Act's conflict-of-interest rules merely by communicating a position on a ballot measure.

Gregory Gillott

A-12-128

Supervisor's cattle operation does not give rise to a conflict of interest within the meaning of the Act. Since his payments on leased land are not more than \$1,000 annually, the supervisor does not have a leasehold interest in real property as defined by the Act. The Supervisor may therefore participate in the board's discussions regarding a "wild and scenic" designation of a river adjacent to the property at issue.

Timben Boydston

A-12-133

A decision to exempt the official from the reduction in the amount of pay received in lieu of medical insurance would affect the salary of only the official; therefore, the decision would have a disqualifying foreseeable material financial effect on the official's economic interest in his personal finances and he may not participate in the decision.

Kairee N. Tann

A-12-134

There is a conflict of interest in the permit vote based on the stated economic interests. The Act requires officials with a conflict of interest to leave the room during discussion and decisions regarding the matter but does not prohibit them from watching from a separate room. The official is allowed to address the planning commission during the public comment period in any manner allowed to the public by the planning commission, as long as she only discuss the impact of the plan on her personal interests.

Larry Byrd

A-12-140

Generally, a public official does not have a conflict of interest under the Act solely because the official takes part in a governmental decision that has a financial effect on his or her adult child. An official may take part in decisions regarding a collective bargaining agreement despite any affect on the official's adult son so long as there is no reasonably foreseeable material financial effect on an economic interest recognized under the Act.

Eli Underwood

A-12-142

Seeking attorneys' fees from the State of California before the courts will implicate the Act's conflict-of-interest provisions only if the official acts or purport to act on behalf of his agency as a member, officer, employee or consultant of the agency.

David J. Erwin

A-12-141

Regulation 18705.5 permits the Council members to participate in the decision regarding alternative benefit packages for the Council because the Council's decision applies to an entire class of employees and is not tailored to specific employees in that class.

Dominic T. Holzhaus

I-12-144

This letter confirms the advice in Advice Letter I-11-153 regarding the same topic and similar facts. That analysis found that members of the Pacific Maritime Association (PMA) are the public official's source of income. When the public official now works for a particular PMA member, that member is his source of income. Additionally, the Act "looks back" 12 months to find sources of income and other PMA members may be a source of income to the public official until that time has expired.

Scott E. Porter

A-12-147

The City may utilize the segmentation process approved in the *White* Advice Letter A-09-079 and the *Murphy* Advice Letter, A-07-031

Charlene Arbogast

A-12-150

The official has a conflict of interest because the decision concerns property within 500 feet of her property. The board requires a quorum of three, and currently there are only three members serving. However, absent unique circumstances, the legally required participation exception cannot be utilized. Under the facts, two members do not have a conflict of interest in the decision, and the two vacant seats can be filled to achieve a quorum for the decision.

Gift

Crystal Jack

I-12-131

The exception for informational materials does not apply to food and travel associated with the informational materials. Therefore, unless another exception applies, any transportation, meals, or lodging provided to these officials would be gifts and, depending on the circumstances, may be subject to the \$10 monthly limit on lobbyists and lobbying firms in making, acting as intermediaries for, or arranging gifts. In addition, gifts would be subject to the current \$420 annual limit on gifts from other sources (including lobbyist employers). The reportable source of the gift would depend on the facts of how the gifts were solicited.

Lobbying

David Montgomery

I-12-129

For lobbyist reporting, a filer must submit a paper version of their amended Form 601/605 that includes page 2 of Form 605. When e-filing amendments to a lobbying firm's registration that add multiple lobbyists or clients, a filer can either file a separate Form 605 amendment for each change or may use the "other" comments section of the form to report the additional lobbyists or clients.

Mass Mailing

William Spears

I-12-132

Email distribution of a newsletter does not violate the mass mailing provision of the Act but the Commission cannot advise on whether it is permissible to produce the newsletter because it may violate laws outside the act.

Miscellaneous

Pedro Nava

I-12-155

When a slate mailer organization is fined by the Commission for violations of the organization's duties under the Act regarding a particular slate mailer, as long as a candidate who paid the slate mailer organization for inclusion in the slate mailer does not own or act on behalf of the slate mailer organization, the candidate is not liable or potentially liable in any way for the slate mailer organization's violations of the Act in relation to the mailer.

Revolving Door

Margo Baxter

I-12-119

Section 87406.3 of the Act, the local one-year ban, prohibits an elected district attorney from making an appearance or communication before his or her former office for the purpose of influencing a decision regarding the office's internal policies or procedure or the office's support or opposition of legislation if he is being compensated to make the appearance or communication on behalf of another person. However, a former elected district attorney is not prohibited from representing a criminal defendant prosecuted by his or her former office or who may be prosecuted by the office or from appearing before or communicating with county officials outside of his or her former office.

Sara Wan

A-12-139

The permanent ban does not restrict a former Coastal Commissioner from advising or representing another state agency for compensation.

Clive Endress

A-12-143

The one-year ban does not apply because the former state employee left state service more than one year ago. Moreover, the permanent ban only applies if former state employee participated in a "proceeding" in the former position, and it thus does not apply in this letter.