

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest  
(916) 322-5662                      322-5660                      322-5901                      322-6441                      322-6444

October 22, 1982

Honorable Mario P. Gonzalez  
1008 Los Flores  
Montebello, CA 90640

Re: Campaign Contributions;  
Reporting;  
Our No. A-82-175

Dear Judge Gonzalez:

Thank you for your recent telephone inquiry seeking our advice regarding the campaign disclosure requirements of the Political Reform Act.\* You are currently holding the office of Judge of the East Los Angeles Municipal Court District. You are not currently the subject of an election campaign. You are currently disqualified from service pending determination by the Supreme Court on the recommendation of removal made by the Commission on Judicial Performance. In order to secure representation by counsel in this proceeding you need to raise funds and wish to do so through a fundraiser for which you will sell tickets at \$50 each. You have asked whether the funds thus raised are campaign funds and, if so, how they should be reported.

It is our conclusion that the funds thus raised are campaign funds and should be reported under the campaign reporting provisions of the Political Reform Act. I enclose for your convenience a copy of our Campaign Disclosure Manual and the necessary forms. Our conclusion is based upon the fact that you are an officeholder and the removal proceeding is directly

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\*Government Code Sections 81000-91014. All statutory references are to the Government Code unless otherwise specified.

Honorable Mario P. Gonzalez  
October 22, 1982  
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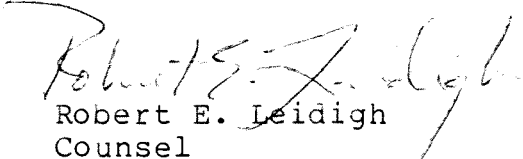
related to your continued status as an officeholder. As an officeholder who will be receiving funds and making expenditures, you continue to have a filing obligation.

You have also asked a separate, but related, question. You have some campaign funds left over from your last election (3 or 4 years ago). These funds are earning interest. You wish to know what your reporting obligations are vis a vis this interest generated on your campaign funds.

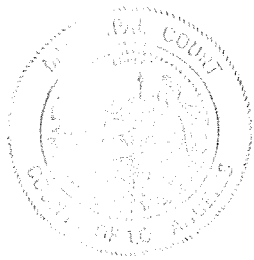
As an officeholder who is not running for election (or re-election) this year, you need file only a semi-annual statement and then only if you have any activity (made expenditures or received contributions) during the six-month period covered. We do not consider the generation of interest income alone to constitute such activity (although the interest earned is treated as campaign funds). Consequently, if only interest was earned between January 1, 1982 and June 30, 1982, then you were not be required to file a semi-annual campaign statement by July 31, 1982. If only interest was earned between July 1, 1982 and December 31, 1982, then you would not need to file a statement by January 31, 1983. However, since you will have activity during the July 1 - December 31 period, then you will need to file on or before January 31, 1983. At that time you will have to report the interest earned between January 1, 1982 and December 31, 1982, plus the contributions received and expenditures made vis a vis your fundraiser and your efforts to retain your office. Individual contributors who cumulatively contribute \$100 or more must be identified in accordance with the manual and forms.

As I advised you, I have discussed your situation with Mr. Richard Martland, Deputy Attorney General. His office administers the provisions of Elections Code Sections 12400-12407 and provides advice thereon. Those sections relate to the personal use of campaign funds. Should you wish advice on that subject you should write directly to him. If you have any questions regarding my advice on this letter or the manual or forms, please contact our Technical Assistance and Analysis Division at (916) 322-5662.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure



CHAMBERS OF  
THE MUNICIPAL COURT  
EAST LOS ANGELES JUDICIAL DISTRICT  
4837 EAST THIRD STREET  
LOS ANGELES, CALIFORNIA 90022  
MARIO P. GONZALEZ, JUDGE

October 25, 1982

Secretary of State  
Political Reform Division  
P.O. box 1467  
Sacramento, Calif. 95807

Re: Late Filing of Form #410.

By way of explanation, I had no intention of filing any forms re the solicitation of funds under the Political Reform Act in that I did not consider myself to be a "candidate" and certainly not a proponent for or against any "measure"

However, because I am selling dinner tickets to raise money for my legal defense, and to make sure that I was legally correct in not having to report the proceeds from the sale, I contacted the legal counsel for the Fair Political Practice Commission by telephone to inquire whether or not I was required to report the sale of dinner tickets.

On this date, I received a letter from the Commission informing me that I would be required to report the sale of dinner tickets in that the sale constituted "contributions" as I was an Officeholder.

As a result of my contacting the Commission it has now been brought to my attention that I am required to file form #410 with your office. I have no objections of course and am enclosing the required form; but what I would like to bring to your attention is that personal friends donated money to help me defray the legal costs of my defense without solicitation on my part and I find that I am now in breach of the code in that I did not file the enclosed form in August as I would have been required to do.

Thank you for your attention in this matter.

Sincerely,

*Mario P. Gonzalez*  
Mario P. Gonzalez

Enclosure  
cc: Mr. Robert E. Leidigh-c/o F.P.P.C.