

Memorandum

To : Mr. Brad Sherman

Date : March 19, 1991

From : Mary C. Armstrong
Legal

Subject: Contribution Disclosure Opinion - 91-8

You have raised the following question regarding a contribution returned by you.

In October 1990 you received a contribution of \$250 from Federated Department Stores, Inc. (Federated) dba Ralph's Grocery. On February 13, 1991, you received notice that Federated was scheduled for hearing on March 20, 1991. On March 14, 1991 you returned \$1.00 to Federated. You would like to know whether you are permitted to participate in the hearing scheduled for Wednesday March 20, 1991.

Government Code Section 15626 prohibits participation in a hearing if a Board Member has received a contribution of \$250 or more within the preceding 12 months. Government Code Section 15626 (d) provides that a Board Member's participation shall be deemed lawful provided the contribution is returned within 30 days from the time he knows about both the contribution and the pending adjudicatory proceeding. We are of the opinion that if a Board Member returns that portion of any contribution received over \$249 then the Board Member may participate in the hearing. We are also of the opinion that return of the contribution in this instance was timely and in accordance with Section 15626 (d).



MCA:ff

cc: John Davies
William M. Bennett
Ernest J. Dronenburg
Member, Fourth District
Mr. E. L. Sorensen, Jr.
Mr. Robert Brenner
Mr. Gary Jugum
Mr. Richard Ochsner
Mr. John Abbott
Mrs. Janice Masterton

Hand delivered to Board Members in Torrance on March 19, 1991.