River City Business Services 5435 Madison Avenue Sacramento, CA 95841 (916) 348-9100 FAX 348-9111 orfic 1 Us PN 93

May 15, 1997

Faxed on 7/18/97

Federal Election Commission Office of General Council 999 E Street NW Washington, DC 20463 RE: Request For Ruling

Attention: Mr. Brad Litchfield

I serve as treasurer for Friends of McCarthy, a California non-federal political committee. We are in the process of terminating this committee and would like to make several contributions to federal candidates using the remaining funds of the committee.

We are aware that we will need to register as a federal committee because we want to contribute more than \$1,000.00 in a calendar year. However, we are not sure if the funds remaining in our account are permissible federal funds within the meaning of 11CFR 1025(b).

The balance in our account is approximately \$3,500.00. Over the past few years, we have received refunds from various radio and TV stations for media buys made by the media consultant during a 1990 non-federal election. The refunds are the result of legal action taken against various radio and television stations. These refunds have exceeded the remaining balance in our account today.

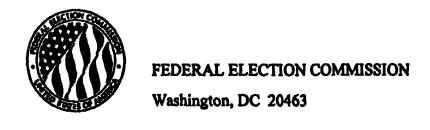
In prior years we have received a combination of permissible federal funds and non-permissible federal funds. We believe that the media refunds are a return of funds that were originally contributions received and; therefore, may be permissible funds, subject to our reasonable accounting method for tracking the funds.

Please advise us if our committee can contribute to federal candidate committees with our remaining funds.

Thank you in advance for your help in this matter. Please contact me a the number above if you have any questions

Sincerely

Pita Cafelant.



August 13, 1997

Rita Copeland River City Business Services 5435 Madison Avenue Sacramento, CA 95841

Dear Ms. Copeland:

This refers to your letter faxed to us on July 18, 1997, concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to contributions to Federal candidates by a non-Federal campaign committee.

You are the treasurer of Friends of McCarthy ("the McCarthy Committee"), a campaign committee of Leo McCarthy for election to State office in California. The McCarthy Committee is in the process of terminating and wishes to make several contributions to Federal candidates. The Committee's present balance is approximately \$3,500, and the cumulative amount of the proposed contributions will exceed the \$1,000 threshold for registration as a political committee under the Act. You have submitted a copy of the Committee's 1997 Semi Annual Statement to the California Fair Political Practices Commission ("FPPC") disclosing a \$2,000 contribution to Nancy Pelosi for Congress.

You state that, over the past few years, the Committee has received refunds from various radio and TV stations for media buys made by the Committee's media consultant during a 1990 non-Federal election. The refunds were the result of legal action taken against various stations. The refunds exceeded the amount of the Committee's balance.

The Committee's receipts in past years have included some funds that would not be permissible under the Act. You believe that the media refunds are a return of funds that originated from contributions received by the Committee and thus, may or may not be permissible under the Act, depending upon the results of the use of a reasonable accounting method.

You ask whether the Committee may contribute to Federal candidate committees with its remaining funds.

The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

In view of the cited requirements, you will need to respond to the following questions and requests for documents:

- (1) Please state the years of the Committee's existence and the elections (including year and office sought) for which the committee was used. Clarify whether the original disbursements for the media buys were made by the present committee or a prior committee that transferred funds to the present committee.
- (2) State whether the entire \$3,500 in cash on hand is derived from the media refunds received by the Committee. If not so derived or if derived only in part from those refunds, state the sources of the \$3,500. State more precisely when the media refunds were received.
- (3) Describe in more detail the accounting method that the Committee will use to determine whether there are sufficient permissible funds for contributions to Federal candidates. Your description should include, but not be limited to, how you will determine which contributions were used to make the disbursements for media buys, and how receipts more recent than the refunds would be excluded from determining the contents of the Committee's cash on hand.
- (4) State whether the Committee will contribute any funds to Leo McCarthy's Federal political committees. In addition, please state the date of the Committee's contribution to the Pelosi committee and clarify whether that contribution was made out of the \$3,500 balance or after your letter was first composed.
- (5) Please provide complete hard copies of the Committee's 1997 Semi Annual Statement to the FPPC and any reports filed with the FPPC covering the six-month period prior to that, i.e., July 1-December 31, 1996.

For your information and guidance, we enclose a copy of 11 CFR 104.12, which describes the applicable accounting method for an entity that becomes a political committee (as distinguished from 11 CFR 102.5(b) which applies to entities that do not qualify as political committees). We also enclose a copy of 11 CFR 110.3(d), which prohibits a candidate's nonfederal campaign committee from making transfers to his

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Letter to Rita Copeland Page 3

Federal authorized committee. In addition, we enclose Advisory Opinions 1996-33 and 1990-16.

Upon receiving your responses to the above questions and the requests for documents, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process, the enclosed materials or this letter, please contact the undersigned or Jonathan Levin, a senior attorney in this office, at 202-219-3690.

Sincerely,

Lawrence M. Noble General Counsel

By:

N. Bradley Litchfield

Associate General Counsel

Enclosures

11 CFR 104.12 and 110.3(d) Advisory Opinions 1996-33 and 1990-16

MULTIPLE OF SEPTIME

River City Business Services
5435 Madison Avenue
Sacramento, CA 95841
(916) 348-9100
FAX 348-9111

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August 18, 1997

AOR 1997-20

Mr. N. Bradley Litchfield Federal Election Commission Office of General Council 999 E Street NW Washington, DC 20463

Dear: Mr. Litchfield

Thank you for responding to my letter dated May 15, 1997 and faxed to you on July 18, 1997.

Following you will find the information requested in your letter:

- (1) Friends of McCarthy qualified as a (CA State) committee on 5/11/89 and is still in existence. The committee is the controlled committee of Leo T. McCarthy used for his re-election to California's Lt. Governor for the 1990 election. The original disbursements for the media buys in question were made by this committee.
- (2) The entire \$3,500.00 in cash on hand is derived from the "Media Refunds" received by the Committee. See following a schedule of "Media Refunds", as you can see they total \$6,841.01 and were all received after October 1994. There have been no other cash receipts other than the above "Media Refunds" since October 1, 1994 and, therefore we believe that all current cash on hand is made up of "Media Refunds".

Media Refunds

Date Amount
.1/ 9/95 \$1,373.68
2/28/95 1,264.32
8/25/95 1,752.68
5/ 1/97 2,450.33
\$6,841.01

Total Refunds

- (3) The method we would like to use to determine how much of the media refunds are permissible is as follows. Accumulate all cash receipts and disbursements by the committee from inception using two categories. One for permissible funds and one for prohibited federal funds. We would track chronologically by these two categories to arrive at the amount of funds available by category at the time of each media buy. By demonstrating that there were sufficient permissible funds available when making the media buy to offset the refund amounts we would demonstrate that the amounts refunded were permissible funds. As stated in #2 before, there were no other funds received after the media refunds.
- (4) No funds will be contributed to Leo McCarthy's Federal political committees. The date of the contribution to Nancy Pelosi's Committee was June 3, 1997, and was a part of the \$3,500.00.
- (5) Enclosed you will find the requested reports filed with FPPC.

Thank you in advance for your consideration in this matter and we look forward to hearing from you soon.

Sincerely,

Rita Copeland

Enclosures

al Practices Commission.	State of California Fair Political Practices Commission.				SJCCW - PCAP08970038 (Rev. 3/94)
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SICCW - PCAP08970038 (Rev. 3/94)

Summary Page Campaign Disclosure Statement

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3. SUBTOTAL CASH CONTRIBUTIONS 4. Non-monetary Contributions 1. Monetary Contributions 8. Cash Payments (Other than Loans Made) Contributions Received. NAME OF OFFICEHOLDER OR CANDIDATE AND CONTROLLED COMMITTEE 20. Outstanding Debts 19. Cash Equivalents Cash Equivalents and Outstanding Debts 18. LOAN GUARANTEES RECEIVED(b) 17. ENDING CASH BALANCE 16. Cash Payments 15. Miscellaneous increases to Cash 14. Cash Receipts 13. Beginning Cash Balance **Current Cash Statement** 12. TOTAL EXPENDITURES MADE 11. Accrued Expenses (Unpaid Bille) 10. SUBTOTAL CASH PAYMENTS 9. Loans Made Expenditures **Made** TOTAL CONTRIBUTIONS RECEIVED Enforceable Promises (Exclude Loan Guarantees, Line 18 below) Schedule D, Line 7 SUBTOTAL CONTRIBUTIONS (Excluding Enforceable Promises) Add Lines 3 + 4 Loans Received If this is a Termination Statement, Line 17 must be zero McCarthy, Priends Previous Summary Page, Line 17 Add Lines 13 + 14 + 15, then subtract Line 16 of McCarthy Add Line 2 + Line 11 in Column C above Add Lines 1 + 2 Schedule A, Line 3 Schedule E, Line 5Schedule I, Line 4 Column A, Line 10 above Schedule C, Line 3 Column A, Line 3 above Add Lines 10 + 11 Schedule B, Line 7 Schedule H, Line 7 Schedule F, Line 5 Add Lines 8 + 9 Add Lines 5 + 6 Column A
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Schedule E Payments and Contributions (Other Than Loans) Made

Statement covers period

07/01/96 h 12/31/96



NAME OF OFFICEHOLDER OR CANDIDATE AND CONTROLLED COMMITTEE: Leo T. McCarthy, Friends of McCarthy I.O. NUMBER 890476

CODES FOR CLASSIFYING EXPENDITURES

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Campaign Disclosure Statement Summary Page

SUMMARY PAGE
Statement covers period ANTIDIAN (1)
from 01/01/97 Page 7 2 of 4
through 06/30/97 Page 7 2 of 4
890476

NAME OF OFFICEHOLDER OR CANDIDATE AND CONTROLLED COMMITTEE:		O NI MARIA
Leo T. McCarthy, Friends of McCarthy	-	890476
Contributions Received. Column A TOTAL THIS PERIOD (FROMATTACHED SCHEDULES)	Column Be Total Prevots Person (SEE NOTE BELOW)	Column C TOTAL TO DATE (ADD COLUMNS A + E)
1. Monetary Contributions	0.00	0.00
2. Loans Received 5chedule B, Line 7 0, 99	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS 0.00 1	0.00	s 0.00
4. Non-monetary Contributions	0.00	0,00
5. SUBTOTAL CONTRIBUTIONS (Excluding Enforceable Promises) Add Lines 9 + 4 \$0.00 (0.00	0.00
6. Enforceable Promises (Exclude Loan Guarantees, Line 18 below) Schedule D, Line 7	0.00	0.00
7. TOTAL CONTRIBUTIONS RECEIVED	9.00	9.00
Expenditures Made		
8. Cash Payments (Other than Loans Made)	0.00	0.00
10. SUBTOTAL CASH PAYMENTS	0.00	\$ 2.473.98
11. Accrued Expenses (Unpaid Bills)	0,00	0.00
12. TOTAL EXPENDITURES MADE	9.00	\$ 2,473.98
Current Cash Statement 13. Beginning Cash Balance		- Chima
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15. Miscellaneous increases to Cash	Received (Line 2), Enforceable Promises (Line 6),	Received (Line 2), Enforceable Promises (Line 3), Loans
16. Cash Payments	Made (Line 9), and Accrued Expenses (Line 11).	
17. ENDING CASH BALANCE	Summary for Candidates in Both June and November Elections	ates in Both June
18. LOAN GUARANTEES RECEIVEDSchedule B, Part 1, Column (b) \$ 0.00	•	
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Schedule E Payments and Contributions (Other Than Loans) Made

NAME OF OFFICEHOLDER OR CANDIDATE AND CONTROLLED COMMITTEE:

06 tellograph

1.D. NUMBER

5. Total payments made this period. (Add Lines 1, 2, 3 and 4. Enter here and on the Summary Page, Column A, Line 8.)	4. Total accrued expenses paid this period. (Do not tlemize. Enter amount from Schedule F, Line 4.)	3. Total interest paid this period on outstanding loans. (Enter amount from Schedule B, Part II, Column(d).	2. Payments made this period of under \$100. (Do not itemize.)	1. Payments made this period of \$100 or more. (Include all Schedule E subtotals.)	Payments and Contributions Made Summary			CICIUS REIGHES, CA 93010	City Busin	Nancy Pelosi for Congress One Bush Street, Suite 1100 San Francisco, CA 94104	CR. IF NO. IO. NUMBER HAS BEEN ASSIGNED, ENTER TREASURERS NAME & ADDRESS)	NAME AND ADDRESS OF PAYEE, CREDITOR, OR RECIPIENT OF CONTRIBUTION OF COMMITTEES NAME AND ADDRESS, ENTER I.D. NUMBER	: : :	TO OTHER CANDIDATES "B"	CODES FOR	Leo T. McCarthy, Friends of McCarthy
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Schedule I Miscellaneous Increases to Cash

06/30/97 01/01/97

SCHEDULE I

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