



STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL  
BILL LOCKYER  
ATTORNEY GENERAL

March 3, 2006

Honorable Charles S. Poochigian  
California State Senate  
State Capitol  
Sacramento, CA 95814-4900

Re: Request for Investigation of First 5 Commission Advertising

Dear Senator Poochigian:

Thank you for your letter dated February 24, 2006, in which you asked my office to investigate the alleged use of taxpayer funds by the California Children and Families Commission (First 5 Commission) for campaign advertising in connection with Proposition 82. I share your concern that taxpayer funds be used appropriately, and if there are any doubts about the proper use of such funds, I support a prompt review of the matter.

Your letter referenced Government Code section 8314, which prohibits the use of public resources for campaign activity and imposes a civil penalty for violation of that section. Although the Office of the Attorney General has authority to enforce section 8314, that section also grants enforcement authority to the district attorney and certain city attorneys. Such concurrent enforcement authority is relevant in this matter, because the Office of the Attorney General also has the responsibility to provide legal advice and representation to state entities and officers. (See Gov. Code, §§ 11040, 11157, 12511, 12512.) In that role, attorneys in my office have an attorney-client relationship with the First 5 Commission.

Because my office has the pre-existing attorney-client relationship with the First 5 Commission, I believe it is best for my office to refer your request for investigation to another entity with concurrent enforcement authority, including any criminal prosecution. Accordingly, my office is referring this matter to the Sacramento County District Attorney for review. A copy of the letter to the district attorney is enclosed.

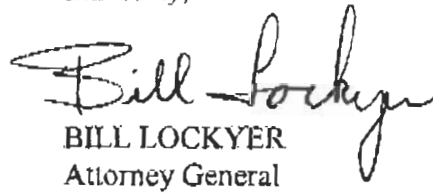


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Please understand that this referral to the district attorney in no way implies that a legal violation occurred. My office has made no such determination. I simply agree with you that in light of the allegations raised, a prompt review of this matter is appropriate.

Thank you for bringing your concerns to my attention, and for giving me the opportunity to respond. Please let me know if I can be of further assistance.

Sincerely,

  
BILL LOCKYER  
Attorney General

Enclosure

**BILL LOCKYER**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



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March 3, 2006

Albert Locher  
Assistant Chief Deputy District Attorney  
Sacramento County District Attorney's Office  
P.O. Box 749  
Sacramento, CA 95812

RE: Referral of a Request for an Investigation Sent to Our Office by State Senator Charles S. Poochigian

Dear Al:

As we discussed during our phone conversation earlier this morning, our office is referring to the Sacramento County District Attorney's Office a request for an investigation sent to Attorney General Bill Lockyer by California State Senator Charles S. Poochigian. We have enclosed the request letter from Senator Poochigian, in which he requests the Attorney General to conduct a formal investigation into whether taxpayer funds were used appropriately by the First 5 California Children and Families Commission for advertising in support of Proposition 82.

We are referring Senator Poochigian's request for an investigation to your office because we have a potential conflict of interest, as our office has an on-going attorney-client relationship with the Commission. Because of that attorney-client relationship and the potential conflict of interest that it creates, we believe it best for your office to conduct the requested investigation.

Please contact me if you have any questions regarding this referral.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Anderson", written over a horizontal line.

ROBERT ANDERSON  
Chief Assistant Attorney General

For BILL LOCKYER  
Attorney General