

# Memorandum

To : Honorable Gray Davis  
State Controller

Date : January 8, 1991

From : E. L. Sorensen, Jr.  
Chief Counsel

Subject: Campaign Contribution Disclosure Opinion 91-1  
Itel Rail Corporation (5740)  
PCP 90-002

In her memorandum of December 13, 1990 to you, Ms. Janice Masterton requested that we advise your office regarding whether a \$2000 contribution by Itel Corporation Political Action Committee to the Gray Davis 1990 Committee is required to be disclosed on a campaign contribution disclosure form required pursuant to Government Code Section 15626.

As we understand it, Itel's Private Railroad Car Tax petition for reassessment has been submitted to the Board on the basis of a written petition. The staff recommendation for decision will be on the January 9 Property Taxes Matters for Consideration agenda.

Government Code section 15626 requires all parties, participants and agents who have made a contribution of \$250 or more to disclose that fact on the record before any adjudicatory proceeding pending before the Board. The terms "party", "participant" and "agent" are defined in section 15626(h)(2) through (4). A Political Action Committee (PAC) does not come within any of these definitions. As such, any contribution made by a PAC does not have to be reported under section 15626, and such a contribution does not require either disclosure or disqualification by the affected Board Member or the State Controller.

If you have further questions concerning this matter, we will be happy to discuss them with you.

ELS:rar



cc: Honorable Ernest Dronenburg, Jr.  
Honorable William Bennett  
Honorable Brad Sherman  
Member, 4th District  
Ms. Janice Masterton  
Ms. Mary C. Armstrong