

# Memorandum

To : Mrs. Janice Masterton

Date : July 1, 1991

From : Mary C. Armstrong

Subject: Campaign Contribution Disclosure Opinion No. 91-16  
Brother International Corporation  
Appeal No. 88 R-1087  
Scheduled for Board Hearing: August 1991

In a Campaign Disclosure statement filed by Richard M. Wolf an employee of Deloitte & Touche, agents for Brother International Corporation, Mr. Wolf has disclosed a \$250 charitable contribution made in Board Member Ernest Dronenburg's name to the Claire Burgener Foundation for the Developmentally Disabled during October 1990. You have requested our opinion regarding whether this contribution must be disclosed pursuant to Government Code section 15626.

Government Code section 15626(b) provides that:

"Prior to rendering any decision in any adjudicatory proceeding pending before the State Board of Equalization, each member who knows or has reason to know that he or she received a contribution or contributions within the preceding 12 months in an aggregate amount of two hundred fifty dollars (\$250) or more from a party or his or her agent, or from any participant or his or her agent, shall disclose that fact on the record of the proceeding."

Section 15626(h)(1) defines the term "contribution" as having the same meaning prescribed in Government Code Section 82015 and the regulations adopted thereto. (See generally 2 Cal. Code Regs. § 18215.)

Government Code Section 82015 provides, in pertinent part, that the term "contribution" means "a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is

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clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure."

Regulation 18215 further provides that a contribution made or received at the behest of a candidate for personal purposes unrelated to his or her candidacy or status as an officeholder is not a payment made for political purposes (2 Cal. Code Regs. § 18215(a)(2)(A).)

We are of the opinion that a charitable contribution made on a Board Member's behalf to a disinterested third party is not a "campaign contribution" within the meaning of Government Code Section 82105 and Regulation 18215 since such a contribution is clearly unrelated to the Board Member's candidacy or status as an officeholder. As such, the contribution in question would not have to be disclosed on the record of the pending adjudicatory proceeding pursuant to section 15626(b) nor would the contribution require disqualification pursuant to section 15626(c).

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

*Mary Armstrong*  
(wk)

MCA:wk  
3180C

cc: Honorable Brad Sherman  
Honorable Ernest J. Dronenburg, Jr.  
Honorable William Bennett  
Honorable Matthew K. Fong  
Honorable Gray Davis  
Ms. Cindy Rambo  
Contribution Disclosure Binder Distribution List