

M e m o r a n d u m

: Ms. Mary Ann Stumpf

Date : November 19, 1991

From : Mary C. Armstrong
Legal**Subject :** Financial Interest of a Participant
Intel Corporation - SY GH 26-624781-010
Hearing Date November 20, 1991
Contribution Disclosure Opinion 91-28

This is in response to your memorandum of November 15, 1991. You have requested our opinion regarding the following:

The Board hearing materials for Intel Corporation indicate that both Burroughs Corporation and Advanced Micro Devices (AMD) are customers of Intel. A review of the petition file indicated that neither customer has a financial interest in the outcome of the hearing and that neither had tried to "actively support or oppose the decision" by lobbying, testifying before the Board, or otherwise acting to influence the Members of the Board as provided in Government Code Section 15626(h)(3). Subsequently, AMD filed a disclosure statement indicating that it does have a financial interest in the matter. We have learned that AMD has a contractual provision which would allow for payment to it of any sales tax reimbursement refunded to Intel. In addition, AMD will appear and testify at the hearing. AMD would, therefore, be considered a "participant" under Section 15626(h)(3) and is required to file a Contribution Disclosure Statement, which it has done. You would now like to know whether or not Burroughs Corporation is also considered a "participant" in this matter.

Section 15626(h)(3) defines the term "participant" as:

"[A]ny person who is not a party but who actively supports or opposes a particular decision in an adjudicatory proceeding pending before the board and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9. A person actively

supports or opposes a particular decision if he or she lobbies in person the members or employees of the board, testifies in person before the board, or otherwise acts to influence the members of the board."

We have reviewed the Intel file. There is nothing which indicates that Burroughs Corporation has a contractual provision similar to that of AMD which would give rise to a finding that it has a "financial interest" in the outcome of the decision. In addition, Burroughs has not "participated" in this matter, within the meaning of Section 15626(h)(3), to date. As such, under the facts presented, Burroughs Corporation would not be considered a "participant" and would not be required to file a Contribution Disclosure Statement.

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cc: Hon. Brad Sherman
Hon. Ernest J. Dronenburg, Jr.
Hon. William Bennett
Hon. Matthew K. Fong
Hon. Gray Davis
Mr. Burton W. Oliver
Mrs. Janice Masterton
Mr. David H. Levine
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