

MEMORANDUM

To: Janice Masterton
Chief, Board Proceedings Division (MIC:81)

Date: November 23, 1993

From: Lawrence A. Augusta
Assistant Chief Counsel

Subject: **Contribution Disclosure Opinion 93-13**

Consideration of A Proposed Stipulation To Resolve A Pending Matter On Which There Has Been A Previous Adjudicatory Hearing Is An Adjudicatory Matter

You have asked for our opinion as to whether campaign contribution disclosure statements are required in the following fact situation.

An insurance tax petition was scheduled for hearing before the Board. Testimony was taken, and the matter was taken under submission by the Board for later decision. Subsequently, while a decision in the matter was still pending before the Board, discussions were held regarding a pending lawsuit involving the same issue in the instant petition. The discussions led to a proposed agreement that the decision in the lawsuit would be accepted as the appropriate resolution of the issue, and the petition would be decided accordingly. A proposed stipulation incorporating the tentative agreement was drafted, and a discussion of the proposed stipulation was scheduled as an agenda item at a regularly scheduled meeting of the Board.

It is our opinion that consideration of the proposed stipulation requires the filing of campaign contribution disclosure statements because the insurance tax petition is still a pending adjudicatory proceeding before the Board. The outcome of the decision regarding the stipulation will in effect decide the pending adjudicatory proceeding.

Generally speaking, once a matter has been scheduled for hearing as an adjudicatory matter, any further discussions of the contested matter while a decision is still pending requires contribution disclosures to be completed.

LAA:ph



cc: Contribution Disclosure Binder Distribution List