

Memorandum

To : Mr. E. L. Sorensen, Jr.
Chief Counsel

Date: April 19, 1991

From : Ani Kindall
Staff Counsel

Subject: Contribution Disclosure Opinion 93-4
A certified interpreter should not be provided with contribution disclosure forms and a contribution from a certified interpreter does not trigger disclosure and disqualification provisions for Board Members.

Question Presented:

Do certified interpreters at Board of Equalization (Board) hearings have to complete contribution disclosure forms? Does a contribution from a certified interpreter to a Board Member trigger the disclosure and disqualification provisions of Government Code section 15626?

Answer:

A certified interpreter should not be provided with contribution disclosure forms and a contribution (or contributions) of \$250 or more from a certified interpreter does not trigger section 15626 disclosure and disqualification provisions for Board Members.^{1/}

Analysis:

Interpreters are certified by the State Personnel Board pursuant to Government Code section 11513. Certified interpreter provide language assistance at Board hearings. (Government Code sections 11018, 11513.) "'Language assistance' mean oral interpretation or written translation of a language other than English into English or of English into another language for a party who cannot speak or understand

^{1/} This opinion is limited to interpreters certified pursuant to Government Code section 11513 and furnished by the State Board of Equalization.

English" (Government Code section 11500(g).) Section 11513(i) provides that an "interpreter shall not have had any involvement in the issues of the case prior to the hearing." (Effective July 1, 1993, section 11513(n).)

Government Code section 15626(b) requires 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." (Emphasis added.)

Section 15626(c) provides that: "No member shall make, participate in making, or in any way attempt to use his or her official position to influence, the decision in any adjudicatory proceeding pending before the board if the member knows or has reason to know that he or she received a contribution or contributions in an aggregate amount of two hundred fifty dollars (\$250) or more within the preceding 12 months from a party or his or her agent, or from any participant or his or her agent, and if the member knows or has reason to know that the participant has a financial interest in the decision, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9." (Emphasis added.)

The Board provides forms to each "party, participant, close corporation, and its majority shareholder and any agent thereof to determine whether any contribution has been made to a member" (Section 15626(h)(6), emphasis added.)

Section 15626(h) defines the terms "party" "participant" and "agent." "'Party' means any person who is the subject of an adjudicatory proceeding pending before the board." (15626(h)(2).) Section 15626(h)(3) defines "participant" as "any 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." "'Agent' means any person who represents a party to or participant in an adjudicatory proceeding pending before the board." (Section 15626(h)(4).)

A person who is a "party" "participant" or "agent" in an adjudicatory proceeding before the board may not serve as a certified interpreter for that matter because an "interpreter shall not have had any involvement in the issues of the case prior to the hearing." (Section 11513(i), effective July 1, 1993, section 11513(n).)

A certified interpreter providing language assistance at a Board hearing is not a party because he or she is not the "person who is the subject of" the adjudicatory proceeding. (Section 15626(h)(2).) Also, based on section 15626(h)(3), providing interpreter services does not make one a participant in an adjudicatory proceeding because an interpreter does not actively support or oppose a particular decision in an adjudicatory proceeding pending before the Board. The sole function of the interpreter is to provide language assistance to a party at a hearing. A certified interpreter is not the agent of any party or participant at a hearing since providing language assistance, oral interpretation or written translation to and from English and another language, does not constitute representation.

Since the only function of a certified interpreter is to provide language assistance at a Board hearing and since an interpreter may have no prior involvement with the case prior to the hearing, he or she is not a "party," "participant," or "agent" as the terms are defined in section 15626(h). Therefore, a certified interpreter should not be provided with contribution disclosure forms and a contribution from a certified interpreter does not trigger section 15626 disclosure and disqualification provisions.

Ani Armen Kindall

cc: Contribution Disclosure Binder Distribution List