

Memorandum

To : Honorable Brad Sherman
Honorable Ernest J. Dronenburg, Jr.
Honorable Matthew K. Fong
Member, First District
Honorable Gray Davis

Date: June 8, 1993

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

Subject: Contribution Disclosure Opinion 93-6

Yesterday, we issued the subject opinion (copy attached). We understand that the Board, after reviewing that opinion, wonders if our conclusion would be the same if the agent in question was known to be a key person in making contribution decisions for the PAC.

Our conclusion remains the same. That is to say, notwithstanding the agent's role in PAC-Contribution-Making-Decisions, the contribution is still by the PAC and such contributions do not require either disclosure or disqualification by the affected Board member under the Campaign Contribution Disclosure Law.

ELS:ph
Attachment

cc: Burton W. Oliver

Memorandum

To : Honorable Brad Sherman

Date: June 7, 1993

From : Mary C. Armstrong
Legal

Subject: Contribution Disclosure Opinion 93-6
Participation is Not Prohibited When An Agent Is
Also a Member of a Contributing PAC
Agenda Item #3, June 8, 1993
Label House - SR AP 14-029354

You have requested our opinion regarding the following:

QUESTION PRESENTED:

A person acting as an agent for a party at an adjudicatory proceeding scheduled before the Board is also an employee of an industry-wide Association. The representative is a director of the Association's Political Action Committee (PAC) which has made a contribution of \$250 or more to a Board Member. Would a Board Member be required to disclose or disqualify him or herself under Government Code section 15626.

OPINION:

A Board Member would not be required to either disclose or disqualify him or herself if a person acting as an agent for a party at an adjudicatory proceeding scheduled before the Board is also a director of a PAC which has made a contribution of \$250 or more to a Board Member. We have previously determined that section 15626 does not require contributions made by a PAC to be reported or disclosed because PAC does not come within the definition of a party, participant or agent as those terms are defined in section 15626. As such, a contribution by a PAC does not require either disclosure or disqualification by the affected Board Member. The fact that a party, agent, or participant may be an employee of a trade Association and a Director of the Association's PAC which has made a contribution of \$250 or more