

# Memorandum

To : Honorable Brad Sherman

Date: October 26, 1994

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

Subject: CONTRIBUTION DISCLOSURE OPINION 94-12  
Government Code Section 15626 does not apply to a contribution made or received by a political action committee affiliated with a party, participant or agent

## QUESTION PRESENTED:

Would a contribution to a Board Member from a Political Action Committee (PAC) affiliated with a party, participant, or agent to a party or participant be considered a "contribution" for purposes of determining whether the disqualification/disclosure provisions of Government Code section 15626 apply?

## ANSWER:

A contribution to a Board Member from a Political Action Committee (PAC) affiliated with a party, participant, or agent to a party or participant would never be considered a "contribution" for purposes of determining whether the disqualification/disclosure provisions of Government Code section 15626 apply. (See also: Contribution Disclosure Regulation 7007(d); 2 Cal. Code Regs. § 7007(d); Contribution Disclosure Opinions 91-1 and 94-8.)

## ANALYSIS:

Government Code section 15626 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 has...received a contribution or contributions in an aggregate amount of two hundred and fifty dollars (\$250) or more...from a party or his or her agent, or from any participant or his or her agent...." (Gov. Code § 15626(c).) A PAC organized under 2 U.S.C. § 441(a)-(b) and/or Government Code section 8213, when affiliated with a "party", "participant", or "agent", does not

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come within the definition of a "party", "participant" or  
"agent" and, therefore, contributions made by a PAC would not  
be required to be reported under section 15626.

A handwritten signature in cursive script, appearing to read "E. L. Lorenz Jr.", is written in black ink.

ELS:MCA:wk  
odo94-12

cc: Contribution Disclosure Binder Distribution List