

**M e m o r a n d u m**

To: Mr. Steven Kamp, Legal Counsel  
Second District

Date: March 2, 1995

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

Subject: **Contribution Disclosure Opinion 95-2**  
Contributions to the campaign of a Board Member's staff  
employee are not subject to the Kopp Act

This is in response to your memorandum of March 1, 1995, in which you requested our opinion regarding the following: "whether campaign contributions to the campaign of a Board Member's staff employee who is running for an office not covered by the Kopp Act subject the Board Member to the requirements of the Kopp Act." For the reasons stated below, we agree with your conclusion that campaign contributions made to a staff employee of a Board Member do not subject the Board Member to the requirements of the Kopp Act.

As correctly analyzed in your memorandum, contributions to the committee of a Board Member's staff employee are not subject to the Kopp Act "because by its terms, the Kopp Act applies only to receipt of contributions by the Board Member. Nowhere in the Kopp Act is there any reference to contributions to a campaign committee organized by a staff employee to a Board Member who is running for an office not covered by the Kopp Act."

Your analysis is consistent with previous advice we have provided on this subject. In a memorandum dated October 13, 1993, we advised the Honorable Brad Sherman that:

Neither the Kopp Act (Government Code section 15626) nor the Political Reform Act (Government Code section 81000 et seq.) requires disqualification by either the Board Member or the employee based on a campaign contribution received by the employee. The Kopp Act requires disqualification of a Board Member who has received a contribution or contributions totalling \$250 or more from a party, participate or agent in an adjudicatory proceeding pending before the Board. The fact that an employee has received a campaign contribution is immaterial because the disclosure and disqualification provisions of the Kopp Act are not applicable to Board staff.

Mr. Steven Kamp

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March 2, 1995

If you have any further questions, please contact Ani Kindall of my staff at 324-2195.

A handwritten signature in black ink, appearing to read "E. J. Auerbach". The signature is written in a cursive style with a large initial "E" and a long, sweeping tail.

ELS:AAK  
cdo95-2

cc: Mr. Burton W. Oliver  
Contribution Disclosure Binder Distribution List