

Memorandum

To : Honorable Dean Andal

Date: April 28, 1999

From : Timothy Boyer
Chief Counsel



Subject: **Contribution Disclosure Opinion 99-4**

When several members of a law or accounting firm that represents a party or participant make contributions to a PAC and then the PAC makes a contribution to a Board Member, no disclosable or disqualifying contribution has been made for purposes of Government Code section 15626

Question Presented:

If several members of a law or accounting firm that represents a party or participant make contributions to a PAC and then the PAC makes a contribution to a Board Member, has any disclosable or disqualifying contribution been made for purposes of Government Code section 15626?

Conclusion:

The fact that several members of a law or accounting firm have made contributions to a PAC that then makes a contribution to a Board Member does not change the fact that a contribution made by a PAC to a Board Member is never a disclosable or disqualifying contribution for purposes of Government Code Section 15626.

Analysis:

Regulation 7007(d) provides that:

A contribution to a board member from a political action committee organized under 2 U.S.C. §441(a)-(b) and/or Government Code Section 82013, affiliated with a party, participation or agency to a party or participant is not a "contribution" for the purposes of Government Code Section 15626.

In Contribution Disclosure Opinion (CDO) 94-12, we advised that:

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.

Honorable Board Members

April 28, 1999

Page 2

The reason that a contribution from a PAC is never a contribution for purposes of Government Code section 15626 is because a PAC is a separate legal entity that does not meet the definition of "party," "participant" or "agent." The fact that several members of a law or accounting firm have made contributions to a PAC that then makes a contribution to a Board Member has no impact on that well established advice. (See also, CDOs 91-1, 93-5, 93-6, and 94-8, which all provide essentially the same advice.)

If you have any further questions, please call me at (916) 445-4380.

cc: Honorable Johan Klehs
Honorable Claude Parrish
Honorable John Chiang
Honorable Kathleen Connell
Mr. E. L. Sorensen, Jr.
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