

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

August 9, 1984

Thomas C. Nelson
Assistant General Counsel
American Medical International, Inc.
414 North Camden Drive
Beverly Hills, CA 90210

Re: Your Request for Advice
Our File No. A-84-189

Dear Mr. Nelson:

Thank you for your request for advice concerning the obligations of employees of American Medical International, Inc. ("AMI"), under the lobbyist reporting provisions of the Political Reform Act.^{1/} AMI recently hired Ron Fox to handle its California governmental affairs. Mr. Fox is a registered lobbyist under the Act. Mr. Fox is supervised in his duties by William Canup, AMI's Director of Community Development Services and Public Affairs. You asked whether Mr. Canup must also register as a lobbyist based on his supervision of Mr. Fox.

My understanding is that Mr. Canup may occasionally make personal contact with certain California administrative and legislative officials for the purpose of attempting to influence their action. However, he does not have to register unless he makes 25 or more personal contacts with state officials during any two-month period. This appears to be unlikely, since only a small part of his time is spent supervising Mr. Fox or making contacts with state officials.

Whether or not he would have to register and report as a lobbyist under Section 82039 and 2 Cal. Adm. Code Section 18239 depends on the nature of Mr. Canup's activities and not those of his subordinates. Mr. Canup does not have to register as a

^{1/} Government Code Sections 81000-91014. All statutory references are to the Government Code.

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lobbyist based on these facts. As Mr. Fox was previously advised by the Commission's Technical Assistance and Analysis Division, his contacts with state officials are not attributed to Mr. Canup for determining the extent of Mr. Canup's direct communication with state officials.

I trust that this letter answers your concerns. If I can be of further assistance, please contact me at (916) 322-5901.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh

Thomas C. Nelson
Assistant General Counsel

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July 17, 1984

Fair Political Practices Commission
1100 "K" Street
Sacramento, CA 95814

Attention: Barbara Milman, Chief
Legal Division

Dear Ms. Milman:

I am assistant general counsel for American Medical International, Inc., a health care services company headquartered in Beverly Hills ("AMI"). Ron Fox of our Western Division contacted you recently regarding lobbyist registration requirements in California. Mr. Fox asks that I write to you to request a written confirmation of your views as to the applicability of the California lobbying laws under the facts set forth below.

AMI recently hired Mr. Fox to handle its California governmental affairs. Mr. Fox is registered with the Fair Political Practices Commission as a lobbyist. Mr. Fox is supervised in his activities at AMI by William Canup, AMI's Director of Community Development Services and Public Affairs.

Mr. Canup's responsibilities are national in scope. He may occasionally make personal contact with certain California legislative and administrative personnel for the purpose of influencing and administrative action. It is unlikely, however, that Mr. Canup will have 25 or more personal contacts with qualifying legislative or administrative officials during any two-month period. Only a small part of Mr. Canup's time is spent supervising Mr. Fox or making personal contacts for the purpose of influencing California legislative or administrative action.

The crucial issue raised by these facts is whether contacts with qualifying officials made by Mr. Fox for purposes of attempting to influence legislative or administrative officials would be considered as "direct communication" made by Mr. Canup by virtue of Section 18239(d)(3).

Section 18239 of Title 2 of the California Administrative Code sets forth the requirements for determining whether a person is a



lobbyist for purposes of registration according to these requirements. First, the person must receive compensation for his or her lobbying activities. Second, the person must engage in direct communication with qualifying officials for the purposes of influencing legislative or administrative action. In the case of a full-time employee engaged primarily to perform services other than influencing legislative or administrative action, such employee will be a lobbyist if such direct communication consists of at least 25 separate contacts in any two consecutive calendar months.

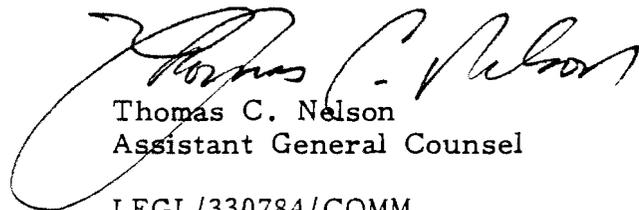
The administrative code defines the term "direct communication" to mean "appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any qualifying officials, either personally or through an agent who acts under one's direct supervision, control or direction." 2 Cal. Admin. Code §18239(d)(3).

We understand your conclusion to be that Mr. Fox's contacts with legislative or administrative officials would not be attributed to Mr. Canup for purposes of determining whether Mr. Canup is a lobbyist required to register under California law. Based on the facts set forth above, we ask you to confirm in writing that, under California law, Mr. Canup would not be required to register as a lobbyist.

If possible, we would like to receive confirmation of this conclusion before July 31, 1984, so that we can determine whether Mr. Canup will be required to file a registration form.

Should you have any questions concerning the situation outlined above, please contact me.

Very truly yours,



Thomas C. Nelson
Assistant General Counsel

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