

T-85-140

TO: [ ] JEANNE [ ] JAY ( ) DAN  
[ ] LYNN [X] BARBARA ( ) JOHN K  
[ ] ROGER [X] CARLA (X) MARY ANN  
[ ] HELEN [X] OTHER DIANE

FROM: PRITCHARD

DATE: 6/7/85

[X] TELEPHONE ADVICE - SEE BELOW

[ ] CORRESPONDENCE ADVICE - SEE ATTACHED DRAFT  
(IF YOU HAVE ANY COMMENTS, NOTIFY ADVISOR WITHIN 1 DAY)

FILE LOCATION: 82039; 18239

INCLUDE IN ADVICE PACKAGE: YES [ ] NO [X]

CALLER Chip Nielsen

REPRESENTING \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

QUESTION: Does the compensation test apply to members of a law firm in the following situations (none of the lawyers meets the contacts test):

*Overruled  
See A-85-208,  
attached*

(1) A lawyer provides lobbying services; the firm is paid more than \$2,000 in a month; the lobbying lawyer's pro rata share is less than \$2,000. ANSWER: The lawyer has met the compensation test and must register.

ANSWER:

(2) Two lawyers provide lobbying services, neither generates fees of \$2,000 or more, but the total received by the firm is \$2,000 or more. ANSWER: Neither lawyer must register.

(3) A lawyer who does no lobbying receives a pro rata share of the firm's earnings, \$2,000 or which is the result of other lawyers' lobbying activities. ANSWER: A lawyer who does no lobbying is not required to register.



# California Fair Political Practices Commission

October 28, 1985

David A. Quinn, Manager  
Political Reform Audit Division  
Franchise Tax Board  
9750 Business Park Dr., Ste. 214  
Sacramento, CA 95827

Re: Your Request For Advice  
Our File No. A-85-208  
Your File No. 344:DAQ:rk

Dear Mr. Quinn:

This is in response to your memorandum of October 8, 1985, requesting advice regarding lobbyist qualification pursuant to the Political Reform Act (Government Code Sections 81009-91015). Specifically, you asked how to apply the "compensation test" contained in FPPC regulation 2 Cal. Adm. Code Section 18239(b) to an attorney employed by a law firm. You provided an example in which the client of a law firm was billed \$3,000 for lobbying services for one month. The attorney who provided the services received \$1,400 in compensation attributable to lobbying.

Regulation Section 18239 states that an individual becomes a lobbyist if he or she engages in direct communication with qualifying officials for the purpose of influencing legislative or administrative action and "receives or becomes entitled to receive at least \$2,000 in compensation in any calendar month for influencing legislative or administrative action."

Using the above example, you would apply the compensation test to the amount of compensation which was received by the attorney who provided the lobbying services, not to the amount of money received by the law firm. Therefore, the attorney in question would not qualify as a lobbyist.

Finally, the exemption from qualification contained in Section 18239(b) for a full time employee engaged primarily to perform services other than lobbying does not apply to attorneys employed by a law firm.

I hope this information is helpful. Please let me know if I can be of assistance in the future.

Sincerely,

*Carla Wardlow*

Carla Wardlow  
Political Reform Consultant

CW:kt