



# California Fair Political Practices Commission

June 16, 1986

Carrie R. Gallippi  
Legislative Department  
Kronick, Moskovitz, Tiedemann  
and Girard  
770 L Street, Suite 1200  
Sacramento, Ca 95814-3363

Re: Your Request for Advice  
Our File No. A-86-177

Dear Ms. Gallippi:

Thank you for your letter requesting advice concerning the lobbying provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

You have informed us that your law firm has 50 attorneys and three lobbyists and is registered as a lobbying firm to lobby the State Department of Education. The State Department of Education has approached the law firm for legal assistance unrelated to the lobbying activities of the law firm. Does the gift limitation of Section 86203 limit the ability of the law firm's attorneys who are not registered lobbyists to make personal gifts, such as gifts of food or beverage, to officials at the State Department of Education?

## CONCLUSION

Section 86203 prohibits use of lobbying firms' assets to make or arrange gifts greater than \$10 per month to any individual agency official. Therefore, the gift limitation of Section 86203 prevents all employees of any firm classified as a lobbying firm from receiving reimbursement from the firm for gifts to State Department of Education officials if the total reimbursement is more than \$10 per month for any single official. The attorneys of the law firm, even though they are

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

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not registered lobbyists are covered by this provision. However, there is no limit which the Act places upon gifts made by a nonlobbyist employee of a lobbying firm so long as that employee does not receive reimbursement from the firm for those personal expenses or take a business expense deduction on his or her income taxes.

#### ANALYSIS

Initially we assume that your question relates to the making of personal gifts, such as gifts of food or beverage, to officials at the State Department of Education, rather than the propriety of providing the State Department of Education with occasional free legal assistance. In general, we would consider free legal assistance provided to the State Department of Education to be a gift to the state and not a gift which provides any significant or unusual benefit to a particular state official. See Stone Opinion, 3 FPPC Opinions 52 (No. 77-003, June 9, 1977).

Section 86203 prohibits any lobbyist from making or arranging<sup>2/</sup> gifts totaling more than \$10 in a calendar month to any elected state officer, state candidate, legislative official, or agency official of an agency required to be registered on the disclosure statement of the lobbying firm. As your law firm is a lobbying firm it is subject to these restrictions.

The gift limitations of Section 86203 apply to lobbying firms to prohibit the use of the firm's assets, including, equipment, supplies, offices, funds, staff or other resources, to make or arrange gifts, as defined by Section 82028, to an agency official totaling more than \$10 in a calendar month.

Section 86203 applies to elected state officials and state agency officials of the department which the firm is attempting to influence. According to the definition of Section 82004, an agency official is any member, officer, employee or consultant of any state agency who, as part of his official responsibilities, participates in any administrative action in other than a purely clerical, secretarial, or ministerial capacity. "Administrative action" is defined in Section 82002 and Commission regulation 2 Cal. Adm. Code Section 18202.

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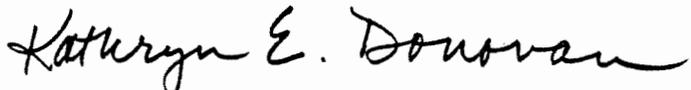
<sup>2/</sup> Regulation 2 Cal. Adm. Code Section 18624 defines "arranging a gift." I have enclosed a copy of that regulation for your information.

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All employees of a lobbying firm are bound by the provisions of the Act. While a lobbyist employee may, under no circumstances spend more than \$10 in a calendar month on gifts to the agency official, a nonlobbyist employee may spend in excess of that amount provided that the expenditure is not reimbursed or arranged by the lobbying firm. Thus, the lobbying firm may not legally authorize or reimburse more than \$10 of such an expenditure. In addition, Section 86203 prohibits the nonlobbyist attorney employee from claiming an employee business expense tax deduction for those expenses. See Biagio Advice Letter, No. A-86-069 and Wilke Advice Letter, No. A-76-531 (copies enclosed)..

If you have any further questions regarding this letter, please contact me at (916) 322-5901.

Very truly yours,



Kathryn E. Donovan  
Counsel  
Legal Division

KED:DL:plh  
Enclosure

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Fair Political Practices Commission  
LEGAL DEPARTMENT  
428 J Street, Suite 800  
Sacramento, California 95814

Dear Legal Department:

A question has come up that we would like your legal opinion on:

Hypothetical situation--Say a lobbying "Firm" with 3 lobbyists, and about 50 attorneys who are not lobbyists, are registered to lobby the Department of Education on behalf of one of their clients. Subsequently, the Department of Education comes to the law firm looking for legal representation in a law suit, not related to the client we lobby for, not involving the lobbyists at all.

What are the limitations with regard to the \$10.00 limit which all attorneys with the "Firm" are bound? If the attorney involved in the law suit takes a reportable person from the Department of Education out to dinner to discuss the law suit, would he/she be limited by the \$10 rule?

Thank you for your attention to this question.

Sincerely,



Carrie R. Gallippi  
Legislative Department

/org



# California Fair Political Practices Commission

May 23, 1986

Carrie R. Gallippi  
Legislative Department  
Kronick, Moskovitz, Tiedemann  
& Girard  
770 L Street, Suite 1200  
Sacramento, CA 95814-3363

Re: 86-177

Dear Ms Gallippi:

Your letter requesting advice under the Political Reform Act has been received on May 21, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

*Kathryn E. Donovan*  
Kathryn E. Donovan  
Counsel  
Legal Division

*by jth*

KED:plh