



California Fair Political Practices Commission

July 30, 1986

Daphne Macklin
Legislative Advocate
American Civil Liberties Union
1127 11th Street, Ste. 602
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-86-217

Dear Ms. Macklin:

This is in response to your letter of June 26, 1986, which requests a formal opinion regarding the filing status of the American Civil Liberties Union of Northern California and the American Civil Liberties Union of Southern California under the lobbying disclosure provisions of the Political Reform Act (Government Code Sections 81000-91015). As clarified in our telephone conversation of July 29, 1986, this letter constitutes Formal Written Advice pursuant to FPPC regulation 2 Cal. Adm. Code Section 18329 (copy enclosed).

QUESTION

Your letter requests confirmation of telephone advice you received from Colleen McGee of this office on June 23, 1986, that the Northern and Southern affiliates of the American Civil Liberties Union (ACLU) should file consolidated reports as a single lobbyist employer.

ANSWER

Pursuant to advice received from the Commission on April 19, 1983, the Northern and Southern affiliates of the ACLU have been filing separate lobbyist employer reports. Under the amended lobbying disclosure provisions which became effective January 1, 1986, this reporting method will make it necessary for the two ACLU lobbyists to register and file reports as lobbying firms. However, because the lobbyists are ACLU employees who represent both the Northern and Southern affiliates, and because one of the affiliates merely reimburses the other for one-half of the lobbyists' salaries and expenses, it appears more logical that the affiliates should file consolidated reports under the name American Civil Liberties Union of Northern and Southern

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California. As Ms. McGee advised you, this will require amendments to the registration statements previously filed by ACLU Northern California and Southern California. Copies of the necessary forms are enclosed for your convenience.

I hope the foregoing has been helpful. Please let me know if you need further assistance.

Sincerely,

Carla Wardlow

Carla Wardlow
Political Reform Consultant

CW:cah
cc: Secretary of State
Enclosures



AMERICAN CIVIL LIBERTIES UNION
 CALIFORNIA LEGISLATIVE OFFICE
 1127 11th Street, Suite 602 ☐
 Sacramento, California 95814
 Telephone (916) 442-1036 ☐

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June 26, 1986

Ms. Colleen McGee
 Fair Political Practices Commission
 Technical Compliance and Analysis
 428 J Street, Suite 700
 Sacramento, CA 95814

Re: ACLU Legislative Advocates - Employee Status
 ACLU Affiliates of Northern & Southern California --
 Employer Status

Dear Ms. McGee:

Pursuant to our telephone conversation of June 23, 1986, I am writing to request a formal opinion from your agency regarding the proper filing status of the American Civil Liberties Union of Northern California and the American Civil Liberties Union of Southern California as employers under the recently revised Fair Political Practices Act. As you know this request was prompted by a notice sent to Ms. Marjorie Swartz and myself indicating that we were to file as independent contract lobbyists because we represent two organizations that maintain separate filing status as employers of lobbyists. That method of filing had been the advice provided to us prior to the January 1, 1986 change in the FPPA.

Your recommendation was that the American Civil Liberties Union Affiliates of Northern and Southern California should file a combined employer reporting form. You noted that although the lobbyists represented two organizations which are legally separate and distinct entities, the lobbyists work in concert and at the direction of the executive directors of both organizations. You further noted that expenses for the legislative program are jointly shared by the two affiliates. An additional recommendation was that the appropriate employer reporting form be completed by ACLU/Northern with a notation or cover letter indicating shared expenses and direction with the ACLU/SC affiliate. This last recommendation is quite similar to the previous advice, and our practical procedure, which was to have the forms completed by ACLU/NC then forwarded to ACLU/SC and returned to Sacramento.

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June 25, 1986

FPPC - Ms. Coleen McGee, Technical Compliance and Analysis

Your final advice was that the affiliates submit and amended Form 605 indicating a change of name of the separate affiliates to combined designation. You indicated that we should submit the amendment along with a combined report commencing with the July 31, 1986 required filing. You also stated that you would provide the Secretary of State's office with information about your instructions to the ACLU regarding its filing status as an employer of lobbyists and the status of its employee lobbyists.

We greatly appreciate your assistance in this matter.

Very truly yours,



DAPHNE L. MACKLIN
Legislative Advocate

DLM/rme

cc: Dorothy Ehrlich, Ex. Director, ACLU/NC

cc: Gayle Binion, Ex. Director, ACLU/SC

Enclosure: Copy of FPPC's letter dated 6/17/86 to Ms. Swartz
and Ms. Macklin



March Fong Eu
Secretary of State

1230 J Street
P.O. Box 1467
Sacramento, California 95807

POLITICAL REFORM DIVISION
(916) 322-4880



June 17, 1986

Ms. Daphne L. Macklin &
Ms. Marjorie C. Swartz
1127 11th Street, Suite 605
Sacramento, CA 95314

Dear Ms. Macklin and Ms. Swartz:

We have received two lobbyist employer reports for "American Civil Liberties Union of Northern California" and "American Civil Liberties Union of Southern California". Both reports have claimed both of you as in-house lobbyists.

When an individual lobbyist has more than one client, that lobbyist must register as an individual contract lobbyist. Therefore, you must both fill out a Form 601 and Form 604 as an individual contract lobbyist, and each claim both employers as clients. You must also obtain written authorizations (Form 602) from each client. We will also need Form 625 with an attached Form 615 from each of you for the period January 1, 1986 through March 31, 1986.

Enclosed are the proper forms. If you have any questions, please contact David Hulse at (916) 322-0392.

Sincerely,

A handwritten signature in cursive script that reads "Bob Steele".

BOB STEELE, Assistant Chief
Political Reform Division

Enclosures

BS:cj

STATE OF CALIFORNIA

BUSINESS, TRANSPORTATION
AND HOUSING AGENCY

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MEMORANDUM

TO: Don Stanford, Chairman
Fair Political Practices Comm.
P. O. Box 807
Sacramento, CA 95804

DATE: June 26, 1986

FROM: DEPARTMENT OF TRANSPORTATION--LEGAL DIVISION

SUBJECT: Possible Conflict of Interest

We request your opinion on a possible conflict of interest regarding one of our attorneys (see Gov. Code sec. 87100, et seq; Title 2, Admin. Code 18700, et seq.).

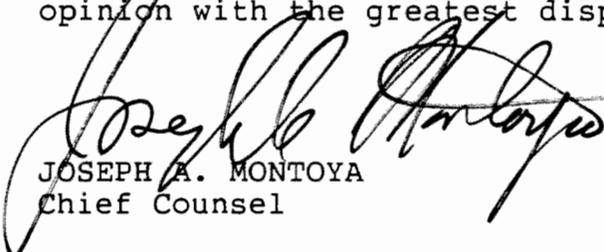
FACTS

An attorney employed by this Department is handling extremely complex multi-party litigation with extremely high dollar exposure in three separate filings. We are in this litigation solely as a result of a cross-complaint filed against us by the City of Petaluma. We have just recently discovered that that entity is insured, for risks such as alleged against it here, by Firemen's Fund Insurance Company. The Department's attorney is married to a full-time employee of that company. Specifically, she is an Assistant Vice-President in charge of Systems Procedure and Finance in the claims operation. She has no exposure to decisions relating to the settlement of individual claims.

QUESTION

Does the income received by the Department's attorney through his wife's employment, or for that matter any other circumstance here presented, create a conflict of interest so as to preclude further participation by that attorney in this litigation on behalf of the Department?

Please note that the first case is set for trial September 17, 1986. Because of staffing problems and the depth of the involvement of that attorney prior to learning that this problem existed, I cannot replace this attorney in the assignment unless you advise that I must or should. I therefore request your opinion with the greatest dispatch possible.


JOSEPH A. MONTOYA
Chief Counsel