



California
Fair Political
Practices Commission

SUPERSEDED

By: 18215(c)(10)

August 21, 1987

Teressa K. Lippert
Folger & Levin
Attorneys at Law
100 Green Street
San Francisco, CA 94111

Re: Your Request for Advice
Our File No. A-87-172

Dear Ms. Lippert

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/}

FACTS

The Hotel Council of San Francisco, a recently formed non-profit trade association, may sponsor a mayoral candidates event sometime in early September. If the event is held, the Hotel Council will invite all announced candidates for the office of mayor of San Francisco without partisan limitations. Members of the Hotel Council and their employees will attend the event. There will be no planned political solicitations or endorsements in connection with the event. Room rental for the event will be paid for by a member of the Hotel Council or by the Council.

QUESTION

Will the Hotel Council incur reporting requirements by sponsoring such an event?

CONCLUSION

As long as the invitation to the event is made available to all of the candidates running for the same office and the invitation is provided on a non-partisan basis, the costs attributable to the event are not considered to be in-kind contributions to the candidates.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

ANALYSIS

The Act defines contributions and expenditures to include all payments unless it is clear from the surrounding circumstances that they are not made for political purposes. (Sections 82015 and 82025.)

Commission regulations 18215 and 18225 define the term "political purpose" to mean "...made for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates or the qualification or passage of any measure."

Because the event is non-partisan, and an invitation is being extended to all of the candidates running for mayor of San Francisco, the costs attributable to the event are not considered to be contributions. (See Polak advice letter (No. A-77-03-003) and DelCampo advice letter (No. A-77-04-010).) Unless the Council participates in additional activities which would qualify it as a committee, it need not file disclosure statements at this time.

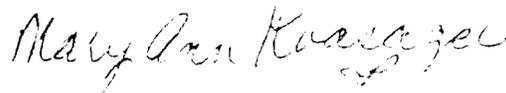
Government Code Section 82013 defines the term "committee" as "any person or combination of persons who directly:

- (a) Receives contributions totaling five hundred dollars (\$500) or more in a calendar year;
- (b) Makes independent expenditures totaling five hundred (\$500) or more in a calendar year; or
- (c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees.

I believe that the differing advice you received in your two phone calls to us was caused by the fact that we did not know at first that the event was to be non-partisan. However, as you noted in your letter, there was some initial confusion on your part when the request for advice was made. I hope this clarifies the answer to your question, and I again apologize for any inconvenience. Please contact me if I may ever be of assistance in the future.

Sincerely,

Diane M. Griffiths
General Counsel



By: Mary Ann Kvasager
Political Reform Consultant

8205

State of California



Fair Political Practices Commission

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

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A- 77-03-003

March 14, 1977

Mr. Clark Polak
Stonewall Democratic Club
of the San Fernando Valley
7007 Los Tilos Road
Los Angeles, California 90068

Dear Mr. Polak:

This letter is to confirm my advice to you by telephone on March 2, 1977.

You asked whether a federally chartered savings and loan association may make available a room within its offices for meetings of a political committee. I advised that the Political Reform Act does not prohibit such a practice but that the fair market value rental of the facility may be reportable as an expenditure by the association, provided it qualifies as a committee under the Political Reform Act and reportable by your club as an in-kind contribution since, as you state, it is a "Committee". If the facility is offered to all political organizations on an equal basis, however, its use would not be reportable in any event as either an expenditure or contribution.

Since questions concerning the applicability of federal laws are beyond our jurisdiction, I suggest you also contact the Federal Elections Commission in Washington, D.C. at its toll free number, (800) 424-9530.

Sincerely yours,

Nan Emerson
Special Compliance Representative

NE:jg

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State of California



Fair Political Practices Commission

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P.O. BOX 807 • SACRAMENTO, 95804 • 1100 K STREET BUILDING, SACRAMENTO, 95814
107 SOUTH BROADWAY • • • SUITE 2140A • • • LOS ANGELES, 90012

April 25, 1977

A-75-04-010

Ines Del Campo
City Clerk
P. O. Box 550
Arroyo Grande, CA 93420

Dear Ms. Del Campo:

This letter will confirm my advice to you by telephone today concerning the campaign disclosure provisions of the Political Reform Act.

You asked whether the local Chamber of Commerce will incur any reporting obligations under the Act by virtue of sponsoring a public meeting at which all candidates in your May 10th election will appear. I advised that as long as the Chamber provides a forum for all of the candidates on an equal basis and does not make any expenditures to advocate the election of any of the candidates, that it will not be required to report its payments in connection with the meeting. Furthermore, the candidates need not report an allocated portion of the expenditures made by the Chamber as an in-kind contribution.

If you have further questions, please contact me.

Sincerely yours,

Nan Emmerison
Special Compliance Representative

NE:jg

FOLGER & LEVIN

ATTORNEYS AT LAW

100 GREEN STREET

SAN FRANCISCO, CALIFORNIA 94111

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LOS ANGELES OFFICE
1900 AVENUE OF THE STARS, 28TH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE (213) 556-3700

July 21, 1987

Ms. Diane Griffiths, General Counsel
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Griffiths:

Recently, a member of our office contacted the Fair Political Practices Commission ("FPPC") Information Department to determine whether our client's sponsorship of a nonpartisan political event would constitute a political contribution for purposes of the California Political Reform Act of 1974. Due to some initial confusion, we made two separate inquiries, and received conflicting advice. As a result, we are writing now to request a clarification of FPPC policy.

The Hotel Council of San Francisco, a recently formed non-profit trade association, would like to sponsor a mayoral candidates event sometime in early September. The Council would invite all announced candidates for the office of Mayor of San Francisco to appear at this event, without partisan limitations. Members of the Hotel Council and their employees would comprise the "audience" for the event. (Membership in the Hotel Council is open to all hotels, motels and other transient lodging facilities in San Francisco.) The format in which the candidates would appear has not yet been determined, but the Council plans no political solicitations or endorsements at the event. The event would take place at a not yet determined site which would either be donated by a member of the Hotel Council or rented at the Council's expense.

Mary Ann Kvasager of your office has informally advised us that such an event would not be considered a contribution as defined by the California Political Reform Act of 1974. As a result, Ms. Kvasager indicated that no registration or reporting requirements would be triggered by the Hotel Council's sponsoring such an event.

Ms. Kvasager apologized for the contrary information which we had received from another FPPC employee the previous day. However, she assured us that the FPPC would not consider sponsorship of the described event to be a political contribution. Ms. Kvasager suggested that we request your office to provide formal confirmation of her advice.

Ms. Diane Griffiths, General Counsel
July 21, 1987
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If possible, we would appreciate confirmation from your office that sponsorship of the event described above would not be regarded by the FPPC as a political contribution within the meaning of the Political Reform Act of 1984. If you should need any further information regarding this event, please contact me at the above address, or by telephone at (415) 986-2800.

I look forward to hearing from you, and thank you in advance for your assistance.

Sincerely yours,

A handwritten signature in cursive script that reads "Teresa K. Lippert". The signature is written in dark ink and is positioned above the typed name.

Teressa K. Lippert

TKL:tc
cc: Robert E. Begley



California Fair Political Practices Commission

July 23, 1987

Teressa Lippert
Folger & Levin
100 Green Street
San Francisco, CA 94111

Re: 87-172

Dear Ms. Lippert:

Your letter requesting advice under the Political Reform Act was received on July 22, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:jaj