



California Fair Political Practices Commission

August 24, 1987

Jan P. Stieger
California Optometric PAC
P.O. Box 2591
Sacramento, CA 95812

Re: Your Request for Advice
Our File No. A-87-175

Dear Ms. Stieger:

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

QUESTION

When the California Optometric Political Action Committee (Cal-OPAC) reports contributions received from individual members of the California Optometric Association, is it permissible to report only the cumulative amount received from each member who has contributed \$100 or more during the calendar year?

CONCLUSION

Cal-OPAC must report the amount received from each member during the period covered by the campaign disclosure statement as well as the cumulative amount received during the calendar year.

FACTS

The California Optometric Association collects member contributions to Cal-OPAC when it collects monthly membership dues. Monthly payments to Cal-OPAC are approximately \$10 per member, although some members make advance payments and some members make late payments. The Association periodically transmits a lump sum amount of member contributions to Cal-OPAC, which reports the Association as an intermediary for those contributions on its campaign disclosure reports. After reporting

^{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.

the lump sum amount received from the Association during the period, Cal-OPAC lists the name and address of each member who has met the \$100 itemization threshold and provides the cumulative amount of contributions received from that member since January 1 of the current calendar year. Recently, the Political Reform Division of the Secretary of State's office requested an amendment to Cal-OPAC's campaign disclosure report for the period October 19, 1986 through December 31, 1986, disclosing the amount received from each member during the period covered by the report as well as the cumulative amount.

Cal-OPAC believes that providing this information will be extremely burdensome, particularly when the amount received from each member during a single reporting period is usually only \$10 to \$20 and the PAC's reports are normally over 100 pages long. In addition, Cal-OPAC states that it will be difficult, if not impossible, to have the information generated automatically by computer as is the rest of the information contained in its report.

ANALYSIS

The Act requires organizations which receive \$500 in a calendar year for the purpose of making contributions to officeholders, candidates and committees to file periodic reports disclosing funds received and payments made. (Sections 82013, 84200-84217.) Section 84211 states that each campaign statement must include the following information:

...If the cumulative amount of contributions (including loans) received from a person is one hundred dollars (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement:

- (1) His or her full name;
- (2) His or her street address;
- (3) His or her occupation;
- (4) The name of his or her employer or if self-employed, name of business;
- (5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and
- (6) The cumulative amount of contributions....

(Section 84211(f). Emphasis added.)

The Fair Political Practices Commission is the agency with primary responsibility for the impartial, effective administration and implementation of the Act. (Section 83111.) Although the Commission is aware of and is sympathetic to the burdens placed on candidates and committees required to comply with the Act's detailed disclosure requirements, Section 84400 of the campaign disclosure provisions specifically prohibits the Commission from granting exemptions from the requirements:

Notwithstanding any other provision of the law, the commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

Therefore, Cal-OPAC is required to provide the amount of contributions received from each member during the period covered by each campaign disclosure report if the total amount of contributions received from that member is \$100 since January 1 of the current calendar year.

The following changes to the reporting format enclosed with your letter will satisfy Cal-OPAC's disclosure requirements:

1. In the first space on Schedule A, disclose the total amount of contributions received during the period through the Association. The lump sum amount should be listed in the "Employer" column along with a notation that the Association acted as an intermediary for the contributions.

2. Each individual member whose cumulative contributions equal \$100 or more during the year should be listed as you currently report them, except that the "Received" column must contain the amount each member contributed during the period covered by the report.

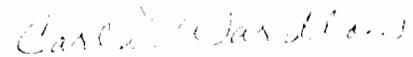
3. In the summary section at the bottom of Schedule A, Line 1 (Amount Received--Contributions of \$100 or More) should contain the total amount of contributions received during the period from members whose names and addresses are itemized on Schedule A. Line 2 (Amount Received--Contributions of Less than \$100) should contain the total amount of contributions received during the period from members whose contributions to date are less than \$100.

Again, please be assured that the Commission is aware of the burden this reporting requirement places on Cal-OPAC. However, the language of the Act clearly states that this information must be disclosed. Unless the Legislature amends this section, the Commission has no authority to permit nondisclosure of this information.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Diane M. Griffiths
General Counsel



By: Carla Wardlow
Political Reform Consultant

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July 21, 1987

Jul 24 0 30 AM '87

Ms. Carla Wardlow
Technical Analyst
Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Dear Carla:

At your suggestion, I am requesting written advice from the Fair Political Practices Commission regarding the attached amendment request for Form 420, Schedule A, from the Political Reform Division of the Secretary of State.

I have attached page one of our Schedule A, to show you our current practice in disclosing our monetary contributions. The California Optometric Association collects Cal-OPAC dues monthly with the association dues. On a regular basis, they give us a check for the Cal-OPAC dues they have received. Therefore, I report this lump sum amount as my first entry on Schedule A.

Cal-OPAC dues are approximately \$125 per year, and, therefore, members are billed about \$10 monthly. Whether a member is ahead or behind in his/her dues determines when the individual exceeds the \$100 threshold.

When a member exceeds \$100 in contributions, I report him/her on Schedule A; however, I report the cumulative amount (to show he has exceeded \$100) and report nothing in the "received amount" column, as this would duplicate reporting of the money included in the first line of Schedule A. (This money was contributed through our intermediary, the California Optometric Association.)

Considering the extreme length of our reports (over 100 pages), it would be a great burden on us to amend this report, or to report our contributions in an alternate manner. According to our business manager, our computer is not capable of providing the information differently. I request the FPPC review our case and grant permission to Cal-OPAC to continue reporting our monetary contributions as we have for several years.

Warmest regards,

Jan P. Stieger

Jan P. Stieger, Coordinator
Political Activities

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Attachments (2)

SCHEDULE A
MONETARY CONTRIBUTIONS RECEIVED
FORM 420, 430 OR 490

(Amounts May Be Rounded To Whole Dollars)

STATEMENT COVERS PERIOD	
FROM	THROUGH
10/19/86	12/31/86

I.D. NUMBER (IF COMMITTEE)
745825

NAME OF CANDIDATE OR COMMITTEE

California Optometric Political Action Committee aka Cal-OPAC

DATE REC'D	FULL NAME AND ADDRESS OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER OR TREASURER'S NAME AND ADDRESS)	OCCUPATION	EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT	
				RECEIVED	CUMULATIVE TO DATE
10/19/86 to 12/31/86	California Optometric Association 921 11th Street Sacramento, CA 95814		Intermediary for contributions received from individuals under \$ 100	\$ 53,245.24	\$207,229
	CONTRIBUTIONS LISTED BELOW:		COA intermediary for PAC payments received this period.		
11/7/86	Gary. L. Etring, O.D. 7136 Haskell Ave Van Nuys, CA 91406	Optometrist			110.48
10/24/86	Orlando T. Giraldi, O.D. 1915 West Glen Oaks Glendale, CA 91201	Optmetrist			129.23
10/13/86	Jeffrey E. Marshak, O.D. 13245 Gladstone Ave Sylmar, CA 91342	Optometrist			131.32
12/12/86	Tony Carnevali, O.D. 839 North Glendale Ave. Glendale, CA 91206	Optometrist			125.04
11/13/86	Gabriel Dery, O.D. 8235 Santa Monica Blvd., #306 Los Angeles, CA 90046	Optometrist			129.23
				SUBTOTAL	\$ 53,245.24

If more space is needed, check box at left and attach additional Schedules A.

SUMMARY

1. AMOUNT RECEIVED — CONTRIBUTIONS OF \$100 OR MORE (Include all Schedule A subtotals)	\$ 53,245.24	
2. AMOUNT RECEIVED — CONTRIBUTIONS OF LESS THAN \$100 (Not itemized)	-0-	
3. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (Line 1 + Line 2) Enter here and on Line 1 Column B of Summary Page		\$ 53,245.24



March Fong Eu
Secretary of State

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

POLITICAL REFORM DIVISION
(916) 322-4880



July 9, 1987

Michael Larkin, O.D., Treasurer
California Optometric Political
Action Committee aka Cal-OPAC
Identification Number 745825
3502 Katella
Los Alamitos, CA 90702

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Dear Dr. Larkin:

Thank you for filing your Form 420, executed on January 30, 1987, for the reporting period of October 19, 1986 through December 31, 1986. As required by the Political Reform Act of 1974, we have reviewed your statement to determine whether it conforms on its face with the disclosure requirements.

We have noted the following to assist you in complying with the requirements of the law.

Verification

Your statement did not bear the signature of the treasurer. The law requires that the statement bear this signature.

All campaign statements for recipient committees, including all Statements of Organization, must be verified by the individual listed as the treasurer on the recipient committee's Statement of Organization. If you have any technical or legal questions regarding this matter, please contact the Fair Political Practices Commission at (916) 322-5662.

Schedule A-Monetary Contributions

Both the received amount and cumulative to date amount must be entered for all entries listed on Schedule A.

Enclosed is an Amendment to Campaign Disclosure Statement (Form 405). Form 405 must be completed and filed to reflect any changes to your original campaign statement. Copies of your amendment should be filed with all offices that received copies of the statement originally filed. Please reply within fifteen days to this request.

If you have any questions, please call David Hulse at (916) 322-0392.

Sincerely,

BOB STEELE, Manager
Political Reform Division

Enclosure



California Fair Political Practices Commission

July 28, 1987

Jan P. Stieger
Coordinator, Political Activities
California Optometric PAC
P.O. Bx 2591
Sacramento, CA 95812

Re: 87-175

Dear Ms. Stieger:

Your letter requesting advice under the Political Reform Act was received on July 24, 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
Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:jaj