



California Fair Political Practices Commission

July 27, 1988

Neil B. Kornswiet
McKenna, Conner & Cuneo
444 South Flower Street
Los Angeles, CA 90071

Re: Your Request for Informal
Assistance
Our File No. I-88-238

Dear Mr. Kornswiet:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} Your letter does not identify the person on whose behalf you have requested advice; therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c).^{2/}

QUESTION

Does a celebrity's appearance at a campaign fundraising dinner constitute a campaign contribution?

CONCLUSION

If the celebrity receives no compensation in connection with the appearance at the fundraising dinner, the celebrity's services would be volunteer personal services and not a campaign contribution.

FACTS

A corporation has a personal services contract with a celebrity. The celebrity is an independent contractor, not an employee of the corporation. Under the contract, the celebrity

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

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

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is required to make at least nine personal appearances each year.

The corporation has asked the celebrity to appear at a campaign fundraising dinner. The celebrity's name will appear as a "special guest" on the fundraising invitation. The celebrity will receive no compensation for this appearance. In our telephone conversation, you informed me that the celebrity already has completed the nine personal appearances required by the contract.

ANALYSIS

The campaign disclosure provisions of the Act require candidates and committees to file campaign statements which disclose, among other things, all contributions received during the period covered by the statement. (Section 84215(c), (d) and (f).) A "contribution" includes any monetary or nonmonetary payment made for political purposes. (Section 82015; Regulation 18215, copy enclosed.) However, no contribution is made when an individual provides volunteer personal services to a political campaign without any understanding or agreement that he or she will be directly or indirectly reimbursed for those services. (Section 82015; Regulation 18215(d).)

In the situation you have presented, the celebrity will receive no compensation for his or her appearance at the campaign fundraiser. Furthermore, under the facts you provided, the celebrity's appearance at the fundraiser does not count as one of the nine appearances required under the contract between the celebrity and the corporation.^{3/} Accordingly, we conclude that the celebrity's appearance at the campaign fundraiser would be volunteer personal services, and not a contribution to the political campaign.

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

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan
By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh
Enclosure

^{3/} The result we reach might differ if the facts were otherwise on this point

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June 17, 1988

Kathryn E. Donovan
Fair Political Practices Commission
428 J Street, 8th Floor
Sacramento, California 95804

Re: Confirmation of our Telephone
Conversation of June 17, 1988

Dear Ms. Donovan:

The purpose of this letter is to confirm our telephone conversation of this date concerning whether the appearance by a celebrity at a fundraising dinner would constitute a contribution under the Political Reform Act of 1974, as amended, or the regulations issued thereunder (collectively, the Political Reform Act). As we discussed, a corporation (the "Corporation") has a celebrity (the "Celebrity") under a personal services contract. Under the terms of the contract, the Celebrity must make at least nine personal appearances a year.^{1/} As we also discussed, the Corporation has asked the Celebrity to attend a fundraising dinner, and the Celebrity's name will be listed as a "special guest" on the invitation to the fundraising dinner. The Celebrity's compensation under the personal services contract will be the same whether or not the Celebrity attends the fundraising dinner.

During our telephone conversation, I asked you whether the appearance by the Celebrity at the fundraising dinner would constitute a contribution by either the Celebrity or the Corporation under the Political Reform Act. You stated that the appearance would not constitute a contribution by either the Celebrity or the Corporation under the Political Reform Act as long as the Celebrity's compensation under the personal services contract would be the same whether or not the Celebrity attends

^{1/} The Celebrity is an independent contractor and not an employee of the Corporation.

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the fundraising dinner.

Thank you for your assistance in connection with this matter.

Very truly yours,

MCKENNA, CONNER & CUNEO

By *Neil B Kornswiet*
Neil B. Kornswiet

NBK/aa