



California Fair Political Practices Commission

June 28, 1989

Peter A. Bagatelos
Bagatelos & Fadem
601 California Street
Suite 1801
San Francisco, CA 94108

Re: Your Request for Informal
Assistance
Our File No. I-89-345

Dear Mr. Bagatelos:

You have requested confirmation of advice provided to you regarding the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} You have not provided the name of the person on whose behalf you are seeking advice. Therefore, this letter constitutes informal assistance pursuant to Regulation 18329(c).^{2/}

FACTS

Your clients are two committees which expect to receive most of their contributions from various mobilehome park owners. The mobilehome park owners are all individuals, and there is no association formed by them.

^{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. (Section 83114; Regulation 18329(c)(3).)

QUESTION

Are the committees required to list on the statement of organization (Form 410), each of the individuals as "sponsors" of the committee.

CONCLUSION

The committees are not required to list the individuals as sponsors.

ANALYSIS

The Act requires that every recipient committee must file a statement of organization. (Section 84101.) If the committee is a "sponsored committee," the committee's name must include the name of its sponsor. When more than one organization meets the definition of "sponsor," Section 84102(b) provides that the statement of organization shall include:

In the case of a sponsored committee, the name, street address and telephone number of each sponsor.

Section 82048.7 defines "sponsored committee" as follows:

(a) "Sponsored committee" means a committee, other than a candidate controlled committee, which has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.

(b) A person sponsors a committee if any of the following apply:

(1) The committee receives all or nearly all of its contributions from the person or its members, officers, employees, or shareholders.

(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(3) The person alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.

(4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.

(Emphasis added.)

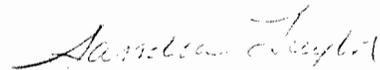
Peter A. Bagatelos
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You have stated that the contributors are individuals who are not making contributions through an organization or entity of which they are members, officers, employees or shareholders. Therefore, the committee is not a sponsored committee.

If you have any questions about this letter, please contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Sandra Taylor
Political Reform Consultant

cc: Secretary of State

LAW OFFICES OF
BAGATELOS & FADEM

BARRY FADEM
PETER A. BAGATELOS
WES VAN WINKLE

THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
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TELEPHONE
(415) 982-7100
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(415) 982-1085

May 31, 1989

Ms. Sandy Taylor
Fair Political Practices Commission
Technical Assistance Division
428 J Street
P.O. Box 807
Sacramento, CA 95804-0807

Re: Sponsored Committees

Dear Ms. Taylor:

This will confirm our telephone conversation on May 30, 1989. I advised you that I had spoken with Karen Rylander of the Secretary of State's office regarding Statements of Organization filed by my clients, two committees which expect to receive most of their contributions from various mobilehome park owners. Ms. Rylander discussed two points with me, i.e. whether the committees were truly "sponsored" under the law, and, if sponsored, whether the names of every sponsor must appear on the Statement of Organization. Ms. Rylander subsequently had a telephone conversation with you and then re-contacted me to advise me that the names on the statements of organization were legally adequate, but that we would probably have to list every mobilehome park owner as a sponsor on the forms. She suggested that I contact you for further clarification. After confirming all of this background information to you, you indicated that you had additional discussions with your superiors and thereupon advised me as follows.

You indicated that Government Code §82048.7, which defines what is a sponsored committee, requires that at least one of the tests contained in subsection (b) thereof must be met to have a sponsored committee. In reviewing the tests, I advised you that it does not appear that any of the tests contained in subsections (b)(2) through (4) appear to apply to my clients. You advised me that, as to the test in subsection (b)(1), a committee must receive all or nearly all of its contributions from a person or its members, officers, employees, or shareholders. In our case, we do not have members, officers, employees, or shareholders involved. We discussed the definition of person contained in Government Code §82047. You stated that none of the terms therein would apply to multiple contributors of the same industry group, since the individual contributors are not acting through an association and would not

Ms. Sandy Taylor
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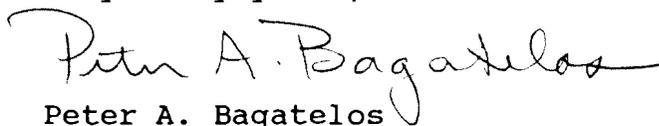
be considered a group of persons acting in concert merely by virtue of making contributions.

By way of clarification, I posed an example to you. If you and I were to set up a PAC and solicited a class of contributors having a similar occupational bond, such as realtors or doctors, and received all or perhaps 95% of our money from that particular class, but did not solicit or receive funds from that class of contributors through their formal association, would our committee be a sponsored committee? You advised me that it would not be a sponsored committee even if all of the contributors to the PAC were of the same occupational or industry class. If the realtors association or medical society raised dues and contributed those dues to the PAC, then the association would be considered the sponsor. However, contributions by the individual members of an association separately to another PAC, wherein they might provide all of the money of the PAC, but do not satisfy any of the other statutory tests for a sponsored committee, would not render the PAC a sponsored committee.

In our particular situation and based on the information I provided, you indicated that our client's committees do not appear to be sponsored committees and would not be required to have the names of the class or group, of which the individual contributors can be identified, as the sponsor of the committee.

Thank you very much for your assistance. By copy of this letter to Karen Rylander in the Secretary of State's office, I am advising her of our discussion and your advice. We would appreciate receiving confirmation in writing that this summary of our conversation is accurate and complete.

Very truly yours,


Peter A. Bagatelos

PAB/mlq

cc: Karen Rylander

89-345

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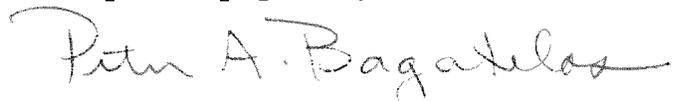
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Very truly yours,


Peter A. Bagatelos

PAB/mlq

cc: Karen Rylander



California Fair Political Practices Commission

June 7, 1989

Peter A. Bagatelos
The International Building
601 California Street, Suite 1801
San Francisco, CA 94108

Re: Letter No. 89-345

Dear Mr. Bagatelos:

Your letter requesting advice under the Political Reform Act was received on June 5, 1989 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. Code of Regs. 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 by *plh*
Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh