



# California Fair Political Practices Commission

November 28, 1989

Roger Brown  
Weintraub, Genshlea, Hardy,  
Erich and Brown  
2535 Capitol Oaks Drive  
Sacramento, CA 95833

Re: Your Request for Advice  
Our File No. I-89-602

Dear Mr. Brown:

We have received your letter of October 17, 1989 requesting written confirmation of the informal assistance<sup>1/</sup> I provided to you in our telephone conversation of September 20, 1989, regarding the gift restrictions on lobbying firms. This to confirm that your letter accurately reflects that advice.

A copy of your letter is enclosed for your convenience.

If you have further questions, please contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script that reads "Wayne Imberi".

By: Wayne Imberi  
Political Reform Consultant

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<sup>1/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice.  
(Section 83114; Regulation 18329(c)(3).)

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GENSHLEA  
HARDY  
ERICH  
& BROWN

A Professional Corporation

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October 17, 1989

Wayne Imberri  
Technical Assistance Consultant  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, CA 95804

RE: Oral Advice

Dear Mr. Imberri:

This is to confirm the advice you gave me on September 20, 1989 in response to the questions I posed on behalf of a client. One question concerned whether the client, a lobbying firm, may invite an employee to a social event without violating the ten dollar per month gift prohibition if the employee, on her own, invites a legislator as her personal guest.

The other question was whether the lobbying firm would violate the ten dollar gift prohibition if it invited an employee to an office party or other firm social event and the employee decided to bring her spouse, a legislative aide, to the event.

The client is a law firm which is also a lobbying firm. There is only one attorney in the firm who is a registered lobbyist. Lobbying is a very small part of the firm's activity.

The firm held a social event for its employees and clients. Each invitee's pro rata share of the cost of the event was more than ten dollars. One of the employees invited a legislator to be her guest at the event. There is a bona fide dating relationship between the legislator and the employee. The firm did not suggest nor invite the legislator to the event.

John Quincy Brown, Jr.  
Norwood R. Erich  
Cavan Hardy  
Joseph S. Genshlea  
Malcolm S. Weintraub  
William A. Wilson  
Leo H. Schuering, Jr.  
Anthony D. Osmundson  
Thomas C. Richards  
Curtis Cutter Sproul  
Geoffrey Burroughs  
L. Thomas Wagner  
Frank P. Plavan  
David L. Perrault  
Roger T. Stewart  
John Quincy Brown, III  
David S. Workington  
L. Burda Gilbert  
Dee Hartzog  
Robert H. Zimmerman  
Larry L. Hill  
Kenneth M. Maloves  
L. Kent Gatt  
Michael L. Dilardi  
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Dale C. Campbell  
Timothy J. Nisson  
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Kevin G. Long  
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James W. Pincin  
Estela O. Pino  
P. Tsubokawa Reeves  
Daniel M. Rosen  
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Kim M. Rowbatham  
Bruce E. Salenko  
Jeanne E. Scherer  
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Michael W. McCall\*\*

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California 95853-4530

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Wayne Imberri  
October 17, 1989  
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The question we posed was whether the firm should request reimbursement from the legislator for his pro rata share of the cost of the event to avoid violating the ten dollar per month gift prohibition in Government Code section 86203.

Your advice was that if there was a gift, it was from the employee, not the lobbying firm. Since the firm neither earmarked, suggested nor directed the employee to bring the legislator as a guest, the gift, if any, was from the employee. You stated your advice would have been different if the firm had suggested the employee bring the legislator or if the invitation was to the legislator rather than to the employee.

The law/lobbying firm has several employees whose spouses are legislative officials within the meaning of Government Code section 82038. You advised that the firm's employees may bring guests of their choosing to firm events without violating the gift prohibitions of the Act so long as the invitations do not specifically designate, earmark or suggest an official listed in Government Code section 86201 as an intended or desired guest. Therefore, an employee may bring his or her spouse so long as the firm neither invites, suggests nor earmarks an invitation for the spouse within the prohibited class of officials.

You further advised that the Commission's advice is based upon the precedent of prior advice letters No. A-87-100 and No. A-87-141. These advice letters to Larry T. Combs, Sutter County Administrative Officer, conclude that where the facts show that there was no intent by the donor to give a gift to a designated official, there was no reportable gift simply because the official shared in a gift given to his spouse.

I appreciate your assistance with our request for informal advice. If I have misstated or misunderstood your advice in any way, please contact me at once. We have passed along your

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Wayne Imberri  
October 17, 1989  
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advice to our client who will continue to comply  
unless and until you advise us differently.

Thanks again for your help.

Very truly yours,

WEINTRAUB GENSHLEA  
HARDY ERICH & BROWN  
A Professional Corporation

By

  
ROGER BROWN

RB/bb



# California Fair Political Practices Commission

October 20, 1989

Roger Brown  
Weintraub, Genshlea, Hardy,  
Erich & Brown  
P.O. Box 13530  
Sacramento, CA 95853-4530

Re: Letter No. 89-602

Dear Mr. Brown:

We received your letter requesting confirmation of advice under the Political Reform Act on October 19, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

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

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh:confadv1