



California Fair Political Practices Commission

May 2, 1991

Lance Seltzer
Consumers Union
1535 Mission Street
San Francisco, CA 94103

RE: Your Request for Advice
Our File No. A-91-166

Dear Mr. Seltzer:

You have requested advice concerning the lobbying provisions of the Political Reform Act (the "Act") on behalf of a lobbyist for your organization.^{1/}

QUESTION

Gail Hillebrand is a lobbyist for the Consumers Union. She is also a member of the San Francisco Women Lawyers Alliance (the "Alliance"). May Ms. Hillebrand lobby on a pro bono basis on behalf of the Alliance? If so, should the pro bono lobbying activity be disclosed on her Lobbyist Report (Form 615) for Consumers Union?

CONCLUSION

Ms. Hillebrand may lobby on a pro bono basis for the Alliance and is not required to report the lobbying activity on her Form 615 for Consumers Union. In addition, as we discussed during our telephone conversation on March 20, 1991, Consumers Union will not incur any additional reporting obligations as a result of Ms. Hillebrand's activities on behalf of the Alliance.

^{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.

ANALYSIS

A lobbyist is someone who:

...is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official or legislative official for the purpose of influencing legislative or administrative action....

Section 82039.

A lobbying firm is:

...any business entity, including an individual contract lobbyist, which...receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer or employee of the business entity is a lobbyist.

Section 82038.5(a)(1).

Normally, when a lobbyist lobbies on behalf of two different entities, the lobbyist must register as a lobbying firm, even if the lobbyist is an employee of one of the entities. (Keese Advice Letter, No. A-86-124 and Richardson Advice Letter, No. A-90-431 (copies enclosed).) However, as long as Ms. Hillebrand does not receive compensation from the Alliance, other than reimbursement for reasonable travel expenses, she will not qualify as a lobbying firm and, therefore, will not be required to register as a lobbying firm.

Section 86113, which establishes the reporting requirements for lobbyists, does not require the lobbyist to report payments received nor the legislative or administrative actions the lobbyist attempted to influence. Therefore, Ms. Hillebrand will not be required to disclose her pro bono lobbying services to the Alliance. However, Regulation 18611 (copy enclosed) requires a lobbyist to disclose on the Form 615 all payments which benefit an elected state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals ("activity expenses"), and all campaign contributions made or delivered during the reporting period.

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Therefore, Ms. Hillebrand will be required to disclose on her lobbyist report for Consumers Union any activity expenses she incurs or pays, and any campaign contributions she delivers on behalf of the Alliance. Please note that reimbursement by the Alliance for activity expenses will qualify Ms. Hillebrand as a lobbying firm.

Regulation 18616(j)(1) (copy enclosed) requires a lobbyist employer to disclose only those legislative bills or administrative actions that it actively lobbies, that is, directs its lobbyist to engage in direct communication for the purpose of influencing the bill or administrative action. Therefore, Consumers Union will not be required to disclose Ms. Hillebrand's lobbying activities on behalf of the Alliance.

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

Sincerely,

Scott Hallabrin
Acting General Counsel



by: Colleen McGee
Political Reform Consultant
Technical Assistance and
Analysis Division

Enclosures

Consumers Union

Publisher of Consumer Reports

March 15, 1991

FPPC
MAR 23 1991

Ms. Colleen McGee
FPPC
428 J Street, Suite 800
Sacramento, California 95804-0807

Dear Ms. McGee:

As a follow-up to our conversation of this morning, I am enclosing a written copy of our question and requesting a written response from you. Please feel free to call me if you need further clarification.

Thank you for your assistance.

Sincerely,

Lance Seltzer
Lance Seltzer
Office Manager

enclosure:

M E M O R A N D U M

TO: Lance
FROM: Gail Hillebrand
DATE: March 11, 1991
SUBJECT: Question for FPPC

MAR 10 1991

Please see if you can get FPPC to answer this question:

"May a registered lobbyist employee lobby on a pro bono basis on behalf of a trade association with whom the lobbyist employee is a member, if the lobbyist employee is not compensated by the trade association for this activity. If so, should the pro bono lobbying activity be reported on the lobbyist employee's lobbying report?"

I have been asked to assist the San Francisco Women Lawyers Alliance and a number of local minority bar groups in attempting to lobby Governor Wilson for greater diversity in judicial appointments. I would like to do this because I think we can make some useful contacts, and because in the long run a more diverse bench will mean more judges who are sympathetic to basic consumer and civil rights issues. I want to make sure, however, that it doesn't foul us up with the FPPC.