



California Fair Political Practices Commission

November 4, 1993

Chris Micheli
Tax & Corporate Counsel
California Manufacturers Association
1121 L Street, Suite 900
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-93-388

Dear Mr. Micheli:

You have requested confirmation of telephone advice on behalf of the California Manufacturers Association political action committee ("CMA PAC") concerning the lobbying and personal use provisions of the Political Reform Act (the "Act").^{1/}

QUESTIONS

1. May you serve as legal counsel to the CMA PAC if you are a lobbyist?
2. May CMA PAC pay your California State Bar dues?

CONCLUSIONS

1. The Act does not prohibit or restrict you from serving as legal counsel to CMA PAC.
2. CMA PAC may not pay your membership dues to the California State Bar.

FACTS

You are employed as a lobbyist and attorney for the California Manufacturers Association. You have been asked to

^{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.

serve as legal counsel to the Association's sponsored political action committee. In a telephone conversation with me on October 25, 1993, you stated that you do not have authority to approve any expenditure from the political action committee. You must pay annual dues to the State Bar of California in order to maintain active membership.

ANALYSIS

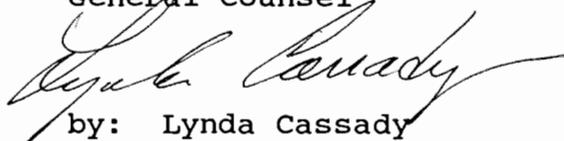
Section 86205 prohibits lobbyists from engaging in certain lobbying-related activities. In addition, lobbyists are prohibited from making or arranging a gift aggregating more than ten dollars in a calendar month to a reportable official. (Section 86203.) However, there is nothing in the Act that would restrict a lobbyist from serving as legal counsel to a political action committee.

You have been asked to provide professional services to CMA PAC. Section 89513(b) provides that campaign funds cannot be used for professional services unless such services are directly related to a political, legislative, or governmental purpose. Because the direct beneficiary of a membership dues payment to the California State Bar would be yourself rather than CMA PAC, such a payment would not satisfy the standard in Section 89513(b).

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

Sincerely,

Steven G. Churchwell
General Counsel



by: Lynda Cassady
Assistant Division Chief
Technical Assistance Division

ADVICE LETTER # A-93-388 REQUESTER: Micheli, Chris

This letter was written by: CASSADY, C.

The 21 working-days expires: 11-10-93

However, a response has been requested by: _____

Upon review, return to: Bowden, E.

Division Chief, TAD

cw APPROVED

Comments: _____

Assistant General Counsel:

AD APPROVED

____ NOT APPROVED

____ Without change

X See changes noted in letter P91

Comments: _____

General Counsel:

SGC
11-3-91 APPROVED

____ NOT APPROVED

✓ Without change

____ See changes noted in letter

Comments: _____

October xx, 1993

Chris Micheli
Tax & Corporate Counsel
California Manufacturers Association
1121 L Street, Suite 900
Sacramento, CA 95814

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ANALYSIS

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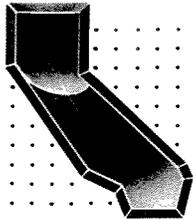
Sincerely,

Steven G. Churchwell
General Counsel

by: Lynda Cassady
Assistant Division Chief
Technical Assistance Division

October 5, 1993

FPPC
Oct 13 2 31 PM '93



Ms. Lynda Cassady
Political Reform Consultant
Fair Political Practices Commission
928 J Street, Suite 700
Sacramento, CA 95814

**California
Manufacturers
Association**

Re: Request for Confirmation of Telephone Advice

William Campbell
President

Dear Ms. Cassady:

I write to request confirmation of telephone advice which you rendered to me on May 25, 1993, relating to CMA's political action committee.

Facts

The California Manufacturers Association currently has a political action committee (CMA PAC). I am employed as a registered lobbyist and attorney by the California Manufacturers Association. In addition, CMA has asked me to serve as legal counsel to the PAC. Finally, as a member of the State Bar of California, I am required to pay annual dues in order to maintain my active status.

Issues

1. Can I serve as legal counsel to the PAC, despite the fact that I am a registered lobbyist? You informed me that "nothing prohibits this activity under the Political Reform Act." As a result, you opined that I may advise the PAC about its legal obligations, including those relating to political and election laws.

2. Can CMA PAC pay my yearly Bar dues? You stated that the PAC may not do so because it is not my actual employer. Only CMA as my employer may pay the dues on my behalf.

Thank you for your prompt attention to this matter. If I can provide you with any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Micheli".

Chris Micheli
Tax & Corporate Counsel

1121 L Street
Suite 900
Sacramento, CA
95814-3952
(916) 441-5420
FAX (916) 441-5449

*What a stupid
question. Be
clear read the
PRA! →*