FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

May 19, 2010

Lawrence S. Zakson
Reich, Adell & Cvitan
c/o Rebecca Barbetti, President, Rio Teachers' Union

REDACTED

RE: **Advisory Letter**
FPPC Case No. 10-260; Rio Teachers' Union and Rebecca Barbetti

Dear Mr. Zakson:

The Fair Political Practices Commission (FPPC), which enforces the provisions of the Political Reform Act (the Act)[1], recently wrote to your clients, Rio Teachers' Union and Rebecca Barbetti, in response to a complaint filed with the FPPC, asking for filings and possible explanations regarding whether or not Rio Teachers' Union is a recipient committee under the Act.

As noted in the prior letter to your clients, an organization qualifies as a committee if it receives contributions totaling $1,000 or more in a calendar year. (GC §§ 82013(a) and 82015.) For purposes of a membership organization, such as a union, a contribution is:

> any payment made to a person or organization other than a candidate or committee, when, at the time of making the payment, the donor knows or has reason to know that the payment, or funds with which the payment will be commingled, will be used to make contributions or expenditures. If the donor knows or has reason to know that only part of the payment will be used to make contributions or expenditures, the payment shall be apportioned on a reasonable basis in order to determine the amount of the contribution.
>
> Regulation 18215(b)(1)

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

You have stated, and provided bank statement evidence, that Rio Teachers' Union has not made contributions of $1,000 or more. You further stated that the apparent $5,000 allocation to Rio Teachers' Union PAC exhibited on a balance sheet included with the complaint was "aspirational only" and the PAC account has not received or held $1,000 in membership dues in any calendar year.

If, in any calendar year, Rio Teachers' Union makes or receives contributions of $1,000, it will be required to register as a recipient committee and file the appropriate reports. (GC §§ 84101 and 84200 et seq.) Regulation 18215 (b)(1) establishes that, after the first time an organization uses dues or other receipts to make contributions or expenditures, the organization's members, if they were not otherwise notified that their donations were to be used for political purpose, are now presumed to know that the funds they have donated may, in the future, be used for political purposes. This knowledge on the part of the donors makes those funds contributions.

After review of the complaint, we have decided to close this matter without commencing further investigation. The FPPC publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660. Please also visit our website at www.fppc.ca.gov.

Sincerely,

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Adrianne Korchmaros
Political Reform Consultant
Enforcement Division

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cc: Lynette Lucas