

State of California

Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ... 1100 K STREET BUILDING, SACRAMENTO, 95814

June 3, 1976

76-549

Mr. Joseph J. Ternes  
Director, California  
Governmental Relations  
Kaiser Industries Corporation  
1500 Seventh Street, Suite 13M  
Sacramento, CA 95814

Re: Opinion Request  
No. 76-065

Dear Mr. Ternes:

Thank you for your letter of May 14, 1976, requesting that the Commission render an opinion concerning the possibility of any conflict of interest raised by the participation of two Kaiser employees on the Wage Board of the Industrial Welfare Commission. The Commission will not render a formal opinion because no substantial question of interpretation of the Political Reform Act is presented. However, I trust the following informal advice will serve to answer your question.

I infer from your reference to the Commission's Regulation, 2 Cal. Adm. Code Section 18703, that you are conversant with the Commission's interpretation that the phrase "public generally" in Government Code Section 87103 includes a "significant segment" of the public generally and that an "industry, trade or profession" may constitute a "significant segment" under the circumstances described in subsections (c) and (d) of that Regulation. Moreover, I believe Labor Code Section 1178 at least "expressly authorizes" members of a certain "industry, trade or profession" to serve on the Wage Boards, and this is sufficient to make 2 Cal. Adm. Code Section 18703(d) applicable. Thus, Mr. Mertens and Mr. Hill can continue to serve on the boards and, while doing so, are not barred by Sections 87100 and 87103 from participating in the decisions of that Board when the decision "will affect (their) interest in substantially the same manner as it will affect all members of ... a significant segment of the public." 2 Cal. Adm. Code Section 18703.

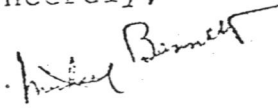
In response to your other questions, the Commission has not yet resolved to what extent the lobbying provisions of the Political Reform Act, Government Code Sections 86100, et seq., may impose additional reporting requirements on Mr. Mertens,

Mr. Joseph J. Ternes  
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Mr. Hill and Kaiser Industries Corporation. At its meeting on June 1, 2 and 3, the Commission will consider two draft opinions that raise some of these issues. Opinions requested by John C. Morrissey, PG&E, No. 75-099; and Robert C. Herr, Del Monte, No. 75-208. Copies of the proposed opinions are enclosed and the Commission welcomes your views on these opinions.

If you wish to appeal the denial of your opinion request, you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any additional questions, please contact Ken Goshorn, an attorney with the Conflicts Division of the Commission staff.

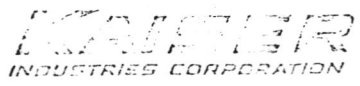
Sincerely,

  
Michael Bennett  
Executive Director

MB:plh  
Enclosure

Date Received 5-17-76

Response Due 5-31-76



1500-SEVENTH STREET · SUITE 13-M · SACRAMENTO, CALIFORNIA 95814 · TELEPHONE 916 447-9554

5-17-76  
P.C.  
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CALIFORNIA GOVERNMENT  
RELATIONS OFFICE

May 14, 1976

76549

Fair Political Practices Commission  
1100 - K Street  
Sacramento, California 95814

RE: Request for Advisory Opinion

Gentlemen:

I hereby request the Fair Political Practices Commission to issue an advisory opinion, pursuant to Government Code Section 83114, based on the following facts:

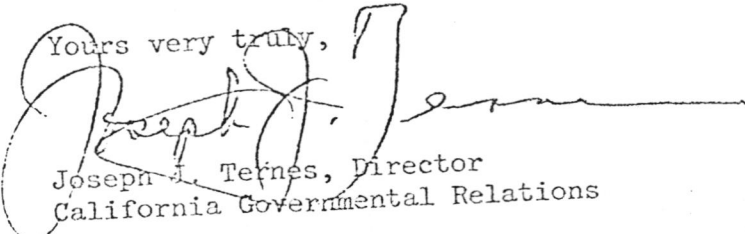
Two employees of Kaiser Industries Corporation who are not lobbyists, Mr. Mertens and Mr. Hill, have been appointed to serve as members of wage boards of the Industrial Welfare Commission. Their Boards are established under Labor Code Section 1178.

Please advise:

1. If Mr. Mertens and Mr. Hill can continue to serve as members of wage boards under Government Code Section 87103 and your regulations.
2. What duties and obligations are imposed upon Kaiser Industries Corporation as a result of their service as members of the wage boards.
3. If any other portion of Proposition #9, or your regulations, impose any duties on Mr. Mertens and Mr. Hill as a result of their service on the wage boards.
4. If an hourly employee of Kaiser Industries Corporation may serve on a wage board to represent employees in a specific occupation, trade or industry.

Thank you for your attention to this request.

Yours very truly,

  
Joseph J. Terres, Director  
California Governmental Relations

JJT:med