

82045

February 8, 1977

77-282

James P. Molinelli
Staiger, Yank, Molinelli and Preston
100 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Molinelli:

Thank you for your letter of January 19, 1977, requesting advice with respect to whether the California State Automobile Association Inter-Insurance Bureau (hereinafter the "Bureau") has incurred a reporting obligation by virtue of its lease arrangements with five state agencies. The facts, as we understand them, are that the Bureau owns an office building at 100 Van Ness Avenue, San Francisco, California and leases space to private and public entities, including the California Department of Insurance. In addition, the Bureau employs a lobbyist who as a part of his duties attempts to influence the Department of Insurance.

Under the facts described above, we do not think the leases to which you refer create a reporting obligation. Government Code Sections 86109(d) and (e) require employers of lobbyists to report "exchanges" with certain officials and with business entities in which these officials have specified types of interests. There is, however, no obligation to report exchanges with state agencies and in the situation described by you the lease is with the agency, not with any official or a business entity in which an official has an interest. In addition, the leases are not "payments to influence legislative or administrative action" within the meaning of Government Code Section 82045 and, hence, are not reportable pursuant to Government Code Section 86109(c).

If you have any further questions, please feel free to contact me.

Sincerely,

Ted Prim
Staff Counsel
Legal Division

TP:jo

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Molinelli

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January 19, 1977

Mr. Michael Bennett
Executive Director
Fair Political Practices Commission
1100 K Street
Sacramento, CA 95814

Dear Sir:

The California State Automobile Association Inter-Insurance Bureau, hereinafter referred to as the Bureau, files reports pursuant to Section 86108(a) of the Fair Political Practices Act.

The Bureau leases office space in its new 29 story headquarters office building at 100 Van Ness Avenue in San Francisco to tenants both public and private.

In addition to federal agency tenants are the following five state agency tenants:

1. State of California - Personnel Board
2. " " " - Public Employees Retirement System
3. " " " - Office of Administrative Hearings
4. " " " - Alcoholic Beverage Control
5. " " " - Department of Insurance

Only one among these agencies is presently listed as one whose actions one of the Bureau's lobbyists will attempt to influence - the Department of Insurance.

The leasing of the Bureau's building is administered by an independent agent - Coldwell Banker - with right of approval or disapproval reserved to the Bureau. The leases vary. The space presently leased varies

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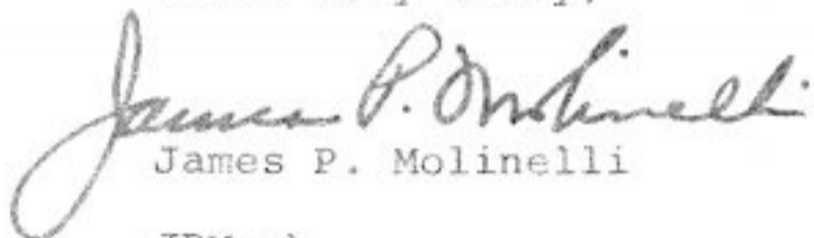
from approximately 1000 square feet to several floors. The length of the leases range from 1 to 25 years. The annual lease conditions and rentals therefore may vary according to these and related considerations. Therefore, on this basis the leasing of space is not, and as a practical matter cannot be, afforded to the public at large on identical terms.

Section 86109(d) governs transactions with specified persons, not agencies, and, in addition, by previous interpretation would appear to address other than routine transactions available to the public at large on identical terms and, therefore, not applicable. Section 82045 does not appear to be applicable.

In order to assist in the determination of the presence or lack of any reporting obligation as a result of these state agency leases, on behalf of the Bureau I am soliciting your advice in accordance with 2 CAC 18329.

Thanking you for your assistance, I am

Yours very truly,


James P. Molinelli

JPM:pb