

78-05-116

May 18, 1978

Dean Lan
Asian State Employees Association
Post Office Box 22361
Sacramento, California 95822

Dear Mr. Lan:

This letter confirms the informal advice that I gave you on May 10, 1978, in response to questions presented by Natalie Quimby of the Asian State Employees Association ("ASEA"). Specifically, Ms. Quimby inquired whether a registered lobbyist may purchase tickets to ASEA's Third Installation Dinner-Dance which will be held on June 3, 1978 and, if so, whether a lobbyist must report the purchase of the tickets on the lobbyist's disclosure report.

My understanding of the facts regarding the operation of ASEA and the Third Installation Dinner-Dance is as follows:

- ASEA is an ongoing non-profit organization formed in 1975 to represent ASIAN people who are employed in state service.
- Many of ASEA's members are agency officials as defined in Government Code Section 82004^{1/} (i.e. they are members, officers, employees or consultants of state agencies and participate in administrative action in other than a purely clerical, secretarial or ministerial capacity).
- ASEA's primary source of funds, other than the annual dues of \$12, is through fundraising events such as the Dinner-Dance.
- ASEA has never made campaign contributions to state candidates, elected state officers or their supporting committees and does not anticipate making any such contributions in the future.
- The tickets to the Dinner-Dance will be sold for \$10 and the surplus, if any, will be used to further the goals of the organization as a whole and will not be used to make a gift to any ASEA member.

^{1/} All further references are to the Government Code.

With regard to the issue of whether a lobbyist would be prohibited from purchasing tickets to the Dinner-Dance, the following Sections might be applicable:

86202 - This Section prohibits a lobbyist from making, arranging for, or acting as an agent or intermediary in the making of, a campaign contribution to an elected state officer, a state candidate or a committee supporting a state candidate.

86203 - This Section prohibits a lobbyist from making, arranging for, or acting as an agent or intermediary in the making of, gifts aggregating more than \$10 in a calendar month to a state candidate, an elected state officer, a legislative official or an agency official.

Since you have stated that ASEA has never made campaign contributions, does not anticipate making contributions in the future, and will not use any of the surplus from the Dinner-Dance to make a gift to any member, the Commission staff has determined that if a registered lobbyist purchases tickets to the Dinner-Dance, he or she will not have participated in any of the activities prohibited by Sections 86202 or 86203. Accordingly, a registered lobbyist may purchase tickets to the Dinner-Dance.

In addition, a lobbyist will not have to report the purchase of tickets to the Dinner-Dance on the lobbyist disclosure report, unless the tickets are later given to an elected state official, legislative official, agency official or the immediate family of any such official. The gift of tickets to any official described above would constitute an "activity expense" as defined in the Fair Political Practices Commission's lobbyist accounting and reporting regulation, 2 Cal. Adm. Code Section 18615, and must be reported on the lobbyist's report. Such a gift would be subject to the limitation on gifts provided in Government Code Section 86203.

If I can be of further assistance, do not hesitate to contact me.

Sincerely,

Alan Herndon
Compliance Representative

AH:bw

May 10, 1978.

78116

To Whom It May Concern:

Asian State Employees Association is having its third Installation Dinner Dance. It will be held at Wong's Islander, 5675 Freeport Blvd. on Saturday, June 3, 1978. At 6pm. there will No Host Cocktails. At 7 pm there will be dinner and at 9 pm. dancing. The proceeds of the dinner will be used primarily to defray the cost of the installation dinner.

The Asian State Employees Association came about in the Spring of 1975. As a non-profit group, the purpose of A.S.E.A. is to provide for the needs and concerns of Asians employed in State Service. The goals of the organization involve advising and working with state government in areas of concern to the membership:

1. Promoting career opportunities among the members and other qualified Asians.
2. Preparing members to become effective in job interviews and promotions.
3. Providing advocacy service to the Asian community to insure their legal rights to services provided by the state.
4. Participating in the development of state policies and programs that meet the needs of the Asian Community.

Sincerely

Dean Lan
Dean Lan, President

ASIAN STATE EMPLOYEES ASSOCIATION

P. O. BOX 22361, SACRAMENTO, CALIFORNIA 95822

5-8694



**ASIAN STATE
EMPLOYEES ASSOCIATION**

*Cordially Invites you
to Attend the*

**THIRD ANNUAL
INSTALLATION DINNER DANCE**

**SPECIAL GUEST SPEAKER
CONGRESSMAN NORMAN MINETA**

**KAITY TONG, KCRA ANCHORWOMAN,
MISTRESS OF CEREMONY**

SATURDAY, JUNE 3, 1978

**WONG'S ISLANDER
5675 Freeport Blvd.**

6 p.m. NO HOST COCKTAILS

7 p.m. DINNER

9 p.m. DANCE

\$10.00 Per person

For Ticket Information Call 421-4442