

# Memorandum

To : Bob Stern;  
File 84302 + 86202

Date : Nov. 14, 1978

*78-226*

From : FAIR POLITICAL PRACTICES COMMISSION  
Natalie West

Subject: "agent or intermediary," Sections 84302, 86202

The policies underlying Section 84302 and 86202 require that the term "agent or intermediary" be accorded different meanings in these two sections.

Suppose that a lobbyist delivered a check from his employer to an assemblyman's campaign committee. The committee records include a Xerox copy of the check and the lobbyist's calling card.

The committee is not required to report the lobbyist as an intermediary on campaign statements, because the phrase "intermediary" in Section 84302 does not include mere delivery of a check. (See memo from Barbara Campbell to Robert Summers in 84302 file.)

However, it's the staff view that the lobbyist has violated Section 86202 (and the committee has violated Section 86204) because delivery of a check is sufficient to make a lobbyist an intermediary for purposes of Section 86202. It was decided to seek legislative clarification of 86202, if the section is upheld in IGA.

NW:plh

84300

State of California

# Memorandum

To : File - 84300

Date : 3-20-78

*M-78-227*

From : FAIR POLITICAL PRACTICES COMMISSION  
Natalie West

Subject: Cash payment of filing fees.

At opinion request meeting March 13, 1978, it was decided (or reiterated) that a filing fee is an expenditure, therefore no filing fee of \$50 or more can be paid in cash.

Question from Keith Boyer  
Assistant Registrar of Voters  
San Diego.

NEW:jo

# State of California



## Fair Political Practices Commission

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322-5901

322-6443

322-6444

July 28, 1978

78-~~228~~  
228

Senator John Stull  
State Capitol  
Sacramento, CA 95814

Dear Senator Stull:

This is in response to your letter of July 3, 1978, which questions the methodology employed by the Commission when investigating possible violations of the Political Reform Act. First, the Commission investigates persons and entities only when it has some reason to believe a violation of the Political Reform Act has occurred. Furthermore, during the course of any inquiry, the Commission presumes the testimony of those investigated to be truthful unless there is evidence to the contrary. I am sure you agree it would be improper for the Commission to commence an examination of a person's or organization's files, financial records, correspondence and other documents unless we have some evidence of a possible violation. For us to conduct such inquiries could subject many California officeholders and other political activists to investigatory fishing expeditions. The Commission and its staff believe it would be irresponsible to use our statutory authority in such a manner.

In the instant situation, you apparently suspect that the United Farm Workers had a filing obligation which they failed to meet. Commission staff members interviewed representatives of the United Farm Workers with respect to the filing obligation that is the subject of your concern. Based on those interviews and absent any evidence to the contrary, the Commission staff concluded that UFW did not have the filing obligation you suspect they might have. The Commission staff therefore has no plans to take further action on this matter.

Senator John Stull  
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July 28, 1978

If you have any information or evidence that causes you to believe that the United Farm Workers have failed to comply with filing obligations under the Political Reform Act, please provide it to us.

Sincerely,



Robert M. Stern  
General Counsel

RMS:nc

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# California State Senate



**JOHN STULL**

SENATOR

THIRTY-EIGHTH DISTRICT

SAN DIEGO, RIVERSIDE AND IMPERIAL COUNTIES

July 3, 1978

Mr. Robert M. Stern  
 General Counsel  
 State of California  
 Fair Political Practices Commission  
 Post Office Box 807  
 Sacramento, California 95804

Dear Bob:

Your response of June 27 to my request for information as to why the United Farm Workers were not represented in the lobbyist report published by your Commission in 1977 and covering the years 1975 and 1976 is somewhat puzzling.

You state: "Our staff explained the various provisions of the Act to these representatives (the UFW's) who informed us that they had reviewed their operations and determined that they did not meet any of the reporting requirements imposed by the Act."

Am I to believe that the organization being investigated is allowed to decide whether or not it is required to file? I would have thought that was the role of your Commission.

This time may I expect a prompt response?

Sincerely,

*John Stull*  
 JOHN STULL  
 Senator, 38th District