

Memorandum

To : File

Date : April 10, 1979

79-005

From : FAIR POLITICAL PRACTICES COMMISSION
Lee C. Rosenthal

Subject: Lobbying of the Commission with respect to Conflict Codes,
82002, 82039 and 87311

At the 4/9/79 opinion request meeting, we decided that agency officials who lobby the Commission with respect to their agencies' conflict of interest codes will not qualify as lobbyists under Section 82039. For state agency officials, this conclusion is based on the Section 86300(a) exemption from the lobbyist provisions of the Act for state employees.

For multi-county local agencies, boards of supervisors and city councils who, pursuant to Section 82011, must have their codes reviewed by the Commission, the conclusion is based upon the fact that Commission review of codes is quasi-judicial in nature and, therefore, does not constitute "administrative action" under Section 82002. The code reviewing process, for the most part, involves application of the Act's general rules for contents of codes to the specific circumstances of each agency. It is the function of the agency and the positions within it that are examined in order to determine which employees should be designated and what should be disclosed by those designated. Because the code review process involves application of previously promulgated rules to the specific facts before the Commission, the process is best characterized as quasi-judicial rather than quasi-legislative. See analysis in Opinion Requested by J. L. Evans, 4 FPPC Opinions 54 (No. 78-008-B, Nov. 8, 1978).

LCR:plh