

State of California



Fair Political Practices Commission

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

Technical Assistance
(916) 322-5662

Administration
322-5660

Executive/Legal
322-5901

Enforcement
322-6441

Statements of Economic Interest
322-6444

November 10, 1980

Ronald R. Gastelum
Attorney at Law
Ochoa, Holderness, Barbosa & Crook
Park Executive Building
925 L Street, Suite 905
Sacramento, California 95814

A-80-11-112

Dear Mr. Gastelum:

This letter is in response to our telephone conversations of October 22, and 28, 1980, and your letter dated November 3, 1980, pertaining to reporting obligations under the lobbying provisions of the Political Reform Act of 1974.

The facts as you related them are as follows:

Sperry Univac, a division of Sperry Rand Corporation, has retained your law firm to provide legal services including representation before various state agencies that are or may be users of Sperry Univac's computer products. Sperry Univac also employs an individual in its Sacramento office that is a registered lobbyist.

The law firm has not been retained to seek new legislation or authority for the State to contract for computer services or hardware. Nor has the firm been retained to represent Sperry Univac in regard to any agency rule, regulation or quasi-legislative proceeding. The function of the law firm and Sperry Univac's employee-lobbyist is to assist in the marketing of Sperry Univac products for existing and planned utilization of computer services by the State.

In the event that legislation is introduced to modify or repeal applicable existing laws or authorize relevant appropriations the law firm or Sperry Univac may deem it necessary to make legislative contacts to protect the corporations' interest. It is for this reason that you and Sperry Univac's employee have registered as lobbyists.

Based on the above facts you and Sperry Univac's employee-lobbyist are required to indicate on your lobbyist registration forms that you will attempt to influence only the legislature. No other state agencies should be disclosed on the lobbyist registration forms.

Expenditures by the law firm or Sperry Univac that benefit agency officials, other than legislative officials, are not reportable as "payments to influence" because you are not attempting to influence administrative actions.

If the law firm is retained by other clients for whom the law firm lobbies state agencies, any payments by the law firm benefiting state officials of those state agencies would be reportable as "payments to influence".

I hope this letter confirms and clarifies our discussions. If I can be of any further assistance please do not hesitate to contact me.

Sincerely,



Rich Eichman
Accounting Specialist

RALPH M. OCHOA
ROBERT G. HOLDERNESS
GEORGE D. CROOK
HENRY S. BARBOSA
CHARLES R. MARTIN
OF COUNSEL

OCHOA, HOLDERNESS, BARBOSA & CROOK
ATTORNEYS AT LAW
PARK EXECUTIVE BUILDING
925 L STREET, SUITE 905
SACRAMENTO, CALIFORNIA 95814
(916) 447-3383

LOS ANGELES OFFICE
OVIATT BUILDING, SUITE 810
517 SOUTH OLIVE STREET
LOS ANGELES, CA 90014
(213) 622-9170

Nov 3 3 14 PM '80

November 3, 1980

Mr. Richard Eichman
Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Dear Mr. Eichman:

This law firm has been retained by Sperry Univac, a division of the Sperry Rand Corporation, to provide legal services, including representation before various state agencies that are or may be users of Univac's computer products. Univac also employs an individual in its Sacramento office that is a registered lobbyist.

As I explained in our telephone conversations of October 22 and 28, Univac has requested advice on its responsibility as an employer of a lobbyist and as an employer of a retained entity, to report activities and expenditures to influence legislative or administrative action.

We have not been retained to seek new legislation or authority for the State to contract for computer hardware or services. Nor, have we been retained to represent Univac in regard to any agency rule, regulation or any quasi-legislative proceeding. Rather, our function, and the function of Univac's employee lobbyist, is to assist in the marketing of Univac products for existing and planned utilization of computer services by the State.

As a part of this marketing program, business expenditures are anticipated that would benefit state officials, e.g., business meals.

However, in the event legislation were introduced to modify or repeal applicable existing laws or authorizing relevant appropriations, we may deem it necessary to make legislative contacts to protect Univac's interests. It is this possibility that has caused Univac's employee to register as a lobbyist and is the basis of my intention to register as well.

Based on these facts, and my review of the Political Reform Act and FPPC regulations, I have concluded that:

1. Expenditures benefiting state agency officials, by Univac or this law firm, in connection with the marketing of Univac computer products, are not reportable because such expenditures would not constitute payments to influence "administrative action." Government Code §82002; 2 Cal. Admin. Code §18202.

Mr. Richard Eichman
November 3, 1980
Page Two

2. Neither I nor Univac's employee lobbyist need indicate on our lobbyist registration forms an intent to lobby state agencies. Accordingly, our registration statements will only state an intent to lobby the State Legislature.

In our telephone conversations, you confirmed that this reading of the law is correct. However, since you indicated that written confirmation could be provided as well, I would like to make that request.

Thank you for your continuing assistance.

Very truly yours,



RONALD R. GASTELUM

RRG:dte