

Susan  
A-81-12-560

# State of California



# Fair Political Practices Commission

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

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest  
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

November 13, 1981

George R. Beattie,  
Attorney at Law  
1120 Mariemont Avenue  
Sacramento, CA 95825

Dear Mr. Beattie:

This is in response to your letter dated November 2, 1981, in which you asked whether it is necessary for you to register as a lobbyist, and for you and your employers to file disclosure reports pursuant to the lobbyist disclosure provisions of the Political Reform Act.

Government Code Section 82039 defines a lobbyist as "... any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislative or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action." Substantial or regular as defined by the Commission in 2 Cal. Administrative Code 18239 means meeting one of the following tests:

(1) Compensation test. Receiving or becoming entitled to receive \$1,000 or more in any 30-day period for the purpose of communicating directly with legislative, administrative agency or elective state officials, excluding reimbursements for reasonable travel expenses and wages which are received as a full-time employee engaged primarily to perform services other than influencing or attempting to influence legislative or administrative action.

(2) Time tests. In any period consisting of two consecutive calendar months:

(A) For persons who are not employees or officials of local government agencies:

1. Spending a total of 40 hours, including 10 hours in direct communication, influencing or attempting to influence legislative or administrative action; or
2. Spending 40 hours engaging in administrative testimony and at least one hour of other direct

communication with officials of the agency or agencies to whom the administrative testimony is directed; or

3. Spending 200 hours engaging in administrative testimony.

In reviewing the facts presented in your letter, it appears that you may be receiving \$1,000 or more in a 30 day period to communicate directly with legislative or administrative officials to influence legislative or administrative action. However, if you are providing services other than lobbying, you may allocate your salary received based on the approximate time spent to lobby to determine whether or not you receive \$1,000 or more in a 30 day period.

You may also be required to register as a lobbyist pursuant to one of the "time tests", but your letter does not indicate the amount of time spent on such activities. Therefore, pursuant to Government Code Section 82039, you may be required to register as a lobbyist and file quarterly lobbyist disclosure reports if you qualify pursuant to the "time" or "compensation" tests.

Government Code Section 86108 states that "Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86109:

(a) Any person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of two thousand five hundred dollars (\$2,500) or more in value in any calendar quarter, unless all of the payments are of the type described in Section 82045(c)."

Each of your employers would also be required to file quarterly disclosure reports as employers of a lobbyist pursuant to subsection (a) above if you qualify as a lobbyist, since subsection (b) refers only to those persons who do not employ a lobbyist, but make payments directly or indirectly to influence legislative or administrative action.

California Housing Authorities Association would not be required to file quarterly disclosure reports since the Association does not appear to be the entity which has contracted for your services. If this is the case and you do qualify as a lobbyist you should amend your lobbyist registration statement to show the individual housing authorities as your direct employers, not the Association.

I have enclosed a copy of the Political Reform Act and a copy of Regulation 18239. If I can be of any further assistance, please do not hesitate to contact me.

Yours very truly,



Lynn Montgomery  
Political Reform Consultant

LM:st

Enclosures

cc: Bob Steele Secretary of State

GEORGE B. BEATTIE  
ATTORNEY AT LAW  
1120 MARIEMONT AVENUE  
SACRAMENTO, CALIFORNIA 95825  
TELEPHONE 489-3343

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November 2, 1981

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804

Dear Sirs:

An issue has arisen regarding my registration as a lobbyist under California law, on which the staff of the Secretary of State's office recommend that I obtain from you a written opinion.

The question raised is whether or not it is necessary for me or my employer to register or file reports under the following circumstances:

1. I have been employed by 15 public housing authorities to provide legislative analysis and representation as their attorney here in Sacramento. These employment contracts are with each individual authority and I am paid a monthly retainer fee of \$100 or \$200 by each authority.

2. These "employers" have agreed that they will act together as an association known as the California Housing Authorities Association. The legislative policy of the Association shall be determined by the group on a majority rule basis. However, there is a proviso that any one authority may withdraw its support or opposition on a particular issue by providing me with notice in writing.

3. During any reporting quarter none of my employers individually will exceed the minimum reporting requirement of \$2500.

I registered effective August, 1981 and have filed a report for the reporting quarter ending 9-30-81. For the registration I listed my employer as the California Housing Authorities Association and attached a list of the members. The filing was signed by the acting chairman of the Association. The employer's quarterly report was filed indicating that the Association paid nothing but that the

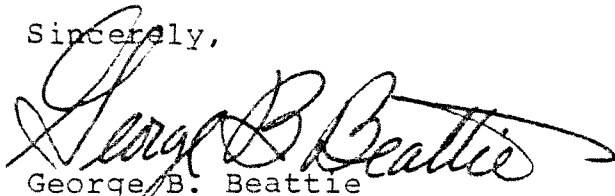
November 2, 1981

individual members paid specified amounts, separately stated, that amounted to \$4300 received during the period.

Since none of my direct employers pay enough in any quarter to require them to file a report, I question whether it is necessary for me to be registered at all. If this is so, is my proper course of action to withdraw my registration and that of my employers?

Thank you for your assistance in this matter. If you have further questions please call me at 489-3343.

Sincerely,



George B. Beattie  
Attorney at Law

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1120 MARIEMONT AVENUE  
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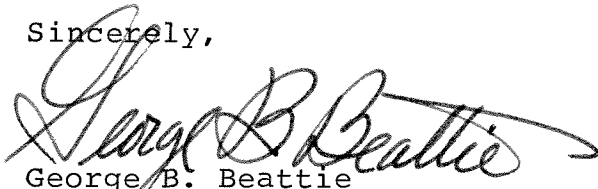
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