



# California Fair Political Practices Commission

December 23, 1987

Peter W. Dauterive  
President  
Dauterive/Flournoy & Associates, Inc.  
3500 South Figueroa Street, Suite 214  
Los Angeles, CA 90007

RE: Your Request for Advice  
Our File No. I-87-299

Dear Mr. Dauterive:

You have requested advice concerning the Political Reform Act of 1974.<sup>1/</sup>

## QUESTION

Are there any legal conflicts if a consulting firm does business with the State of California and also lobbies the Legislature or state agencies on behalf of clients?

## ANSWER

The Act does not restrict any business entity from lobbying on behalf of its clients. The Act does, however, place certain registration and reporting obligations on those who lobby and on their employers.

## FACTS

According to your letter and a subsequent telephone conversation with Mr. Mike Davis of your office on December 1, 1987, your company currently assists organizations which are applying for state funds. It is your intention to register as a lobbying firm in order to perform lobbying services for future clients on issues unrelated to your above-mentioned consulting work.

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Administrative Code.

ANALYSIS

There is nothing in the Act which would prohibit your company from performing the dual roles of consulting firm and lobbying firm. Therefore, no restrictions apply.

The Act does require, however, lobbyists to certify and lobbying firms to register with the Secretary of State, in addition to periodic reporting obligations by lobbyists, firms, and any clients of a lobbying firm. (Sections 86100, 86103, 86113, 86114, and 86115.). The enclosed manual explains these reporting requirements. (A new manual for 1988 will be ready for distribution in January. You may obtain one by contacting our office at that time.)


Before accepting a contract for consulting work which involves work with a state agency, you should check that agency's statement of incompatible activities to be sure your consulting work and lobbying work do not conflict with the statement.

If you have any further questions, please contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

By:

  
Kevin S. Braaten-Moen  
Political Reform Consultant

*Dauterive/Flourney & Associates, inc.*

87-299

Nov 25 3 53 PM '87  
3500 SOUTH FIGUEROA STREET, SUITE 214  
LOS ANGELES, CALIFORNIA 90007  
(213)744-0174

November 19, 1987

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J. Street, Suite 800  
Sacramento, California 95814

Attention: Ms. Diane Griffiths  
General Counsel

Dear Ms. Griffiths:

Pursuant to our recent long distance telephone conversation with your office relative to the propriety of a consulting firm certified to do business with the State of California, also being registered as Lobbyist with the Secretary of State on behalf of clients.

Our office is hereby requesting a letter of opinion on this matter.

If additional information is needed, please contact our office.

Very truly yours,

  
PETER W. DAUTERIVE  
President

PWD/enc



# California Fair Political Practices Commission

December 1, 1987

Peter W. Dauterive  
President  
Dauterive/Flournoy Associates, Inc.  
3500 South Figueroa Street, Suite 214  
Los Angeles, CA 90007

Re: 87-299

Dear Mr. Dauterive:

Your letter requesting advice under the Political Reform Act was received on November 25, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard *by jph*  
Chief  
Technical Assistance and Analysis  
Division

JP:plh