



California Fair Political Practices Commission

April 21, 1988

Kirk Alan Pessner
Nielsen, Merkasamer, Hodgson,
Parrinello & Mueller
650 California Street, Suite 2650
San Francisco, CA 94108

Re: Your Request for Informal
Assistance
Our File No. I-88-120

Dear Mr. Pessner:

The purpose of this letter is to confirm my telephone advice to you concerning reporting activity expenses to agency officials as described in Government Code Section 86111. Your letter of March 22, 1988 accurately summarizes my telephone advice. We consider this advice to be informal assistance pursuant to 2 Cal. Code of Regs. Section 18329(c) because you have not informed us of the identity of the person on whose behalf you are seeking advice. (Regulation 18329(c)(3)(C).)^{1/}

If you have any questions regarding this letter, please contact me a (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan
By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:ld:88120

^{1/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; Regulation 18329(c)(3).)

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FILE NUMBER

5965.01

March 22, 1988

Kathryn E. Donovan, Esq.
Legal Division
California Fair Political
Practices Commission
Post Office Box 807
Sacramento, California 95804

Re: Disclosure Of Activity Expenses
Under Government Code Section 86111(b)

Dear Kathy:

Recently, we discussed by telephone your interpretation of reporting activity expenses to agency officials as described in Government Code 86111. Specifically, we discussed the fact that this Government Code section requires disclosure of activity expenses benefiting agency officials and "agency official" is defined as "any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer or person described in subsection (b) of section 86115 has attempted or is attempting to influence." (Emphasis added.) Our question to you was the functional definition of "has attempted." We asked if the Commission had rendered any opinions or informal advice on this issue.

You stated on the telephone that you did not believe it was the intent of the legislation to be retroactive to the commencement of the Political Reform Act in 1975. You further stated that "has attempted" could mean has attempted during the current legislative session. We agreed that the lobbyist, lobbyist employer or lobbying firm would be required to disclose agencies which they intended to influence on their Lobbying Firm or Lobbyist Employer Registration Form (FPPC Form 601 or 603) and agencies which in fact were actively lobbied during the period of the quarterly Lobbying Firm Report or the Lobbyist Employer Report (FPPC Form 625 or 635). You indicated that, if the agency was not, and did not need to be disclosed on a registration or disclosure form during the legislative session, the Lobbyist, Lobbyist Employer or Lobbying Firm could entertain such agency

Kathryn E. Donovan, Esq.

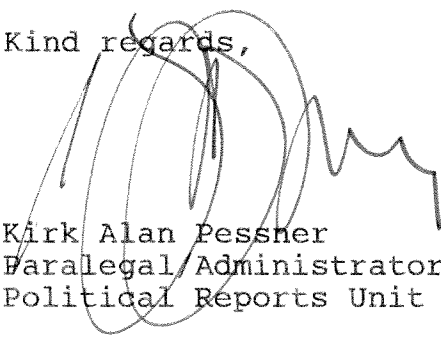
March 22, 1988

Page 2

officials without being required to report such entertainment on its lobby disclosure reports.

I would appreciate your acknowledgement of this informal assistance by signing this letter and returning it to me. If you have any questions or if I have misstated any of our discussion, please do not hesitate to contact me.

Kind regards,



Kirk Alan Pessner
Paralegal/Administrator
Political Reports Unit

KAP/tcm/h84

Kathryn E. Donovan, Esq.

Date: _____



California Fair Political Practices Commission

March 24, 1988

Kirk Allen Pessner
Nielsen, Merksamer, Hodgson,
Parrinello & Mueller
650 California Street, Suite 2650
San Francisco, CA 94108

Re: 88-120

Dear Mr. Pessner:

Your letter requesting advice under the Political Reform Act was received on March 23, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

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 information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. 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,

Diane M. Griffiths
General Counsel

DMG:plh