



California Fair Political Practices Commission

March 6, 1992

Malcolm E. Wheeler
Parcel, Mauro, Hultin & Spaanstra, P.C.
Suite 3600, 1801 California Street
Denver, Colorado 80202-2636

Re: Your Request For Advice
Our File No. 92-86

Dear Mr. Wheeler:

You have requested advice under the lobbying provisions of the Political Reform Act of 1974.1/

QUESTION

Are you required to attend the lobbyist orientation course described in Government Code Section 8956(b), which is a requirement of the lobbyist certification provisions of Section 86103?

CONCLUSION

If you do not intend to engage in lobbying activity in California in the future, you are not required to attend the lobbyist orientation course.

FACTS

You are currently a resident of Denver, Colorado, where you practice law. For a brief period of time during 1991, you were registered as a lobbyist in California, and met with a member of the Assembly concerning a legislative bill. You terminated your lobbyist registration in August 1991, and have not engaged in any lobbying activity in California since that date. You do not intend to engage in lobbying activity in California in the future.

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

Malcolm E. Wheeler
Page Two

ANALYSIS

Section 86103 provides that an individual who, at the time of filing the lobbyist certification form, has not completed the course described in Government Code Section 8956(b) within the previous 24 months, must complete the course within a reasonable time after filing the certification papers. The lobbyist certification is considered "conditional" until the individual has attended the course.

After consultation with Ann Bailey, Chief Counsel for the Senate Committee on Legislative Ethics, and Tony Marquez, Chief Counsel for the Joint Legislative Ethics Committee, it has been determined that you are not required to attend the lobbyist orientation course described in Section 86103. This determination is based on the particular facts of your situation, specifically that your only lobbying activity consisted of meeting with a legislator on one legislative bill during a brief period of time in 1991, that you have ceased all lobbying activity in California, and that you do not intend to engage in lobbying activity in California in the future.

We have sent a copy of this letter to the Secretary of State's Office, to serve as explanation for why you are not required to amend your lobbyist certification.

If you have any questions, please call our office at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance
and Analysis Division

cc: Ann Bailey, Chief Counsel
Senate Committee on Legislative Ethics

Tony Marquez, Chief Counsel
Joint Legislative Ethics Committee

Political Reform Division
Secretary of State's Office