



# California Fair Political Practices Commission

April 22, 1994

Dean A. Rewerts  
Legislative Chairman  
California Union of Safety Employees  
2029 H Street  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-94-98

Dear Mr. Rewerts:

You have requested advice concerning the lobbying provisions of the Political Reform Act (the "Act").<sup>1/</sup>

#### QUESTION

Which lobbyist registration statements should you file and what state agencies must be listed on the registration statements?

#### CONCLUSION

Because you are lobbying on behalf of an entity other than your employer, you must file a Lobbying Firm Registration Statement (Form 601) and attach a Lobbyist Certification Statement (Form 604). You must list on the Form 601 the Department of Alcoholic Beverage Control, Public Employees Retirement System (PERS), the Commission on Peace Officers Standards and Training (POST) and any other state agency that you will attempt to influence on behalf of the California Union of Safety Employees (CAUSE).

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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 Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

### FACTS

The following facts are summarized from your letter of March 21, 1994, and our telephone conversation on April 14, 1994. You are a full-time employee performing the duties of an Investigator II for the Department of Alcoholic Beverage Control. In addition, you are a member and serve as President of State Bargaining Unit 7, a member of the California Association of State Investigators - Alcoholic Beverage Control (CASI-ABC). As president of CASI-ABC, you serve as a member of the Board of Directors of CAUSE, the exclusive representative for employees in Bargaining Unit 7. As a separate office, you are the legislative committee chairman of CAUSE.

As president of CASI-ABC you are required to meet and confer with officials of the Department of Alcoholic Beverage Control regarding issues involving wages, hours, working conditions, staffing and departmental budget priorities. As president of CASI-ABC you also attempt to influence departmental rules and regulations that do not involve working conditions. For example, you may be involved in setting departmental policy on how to implement a legislative bill.

In your capacity as legislative chairman of CAUSE you formulate legislative policy, take positions on legislation, appear at legislative hearings and contact legislators and staff regarding CAUSE's position on legislation. You also testify before the Boards of PERS and POST. While serving this position, you have come close to meeting the "contacts" test and it is your intention to register as a lobbyist.

You receive your normal state pay and benefits as an Investigator II each month and between one-half and two-thirds of your normal work day is used to perform duties as an Investigator II. The remainder of your time is release time donated by members of CAUSE-CASI. The State also provides you some release time which is used only for labor-management issues.

### ANALYSIS

The Act requires an individual who receives compensation for lobbying services from someone other than his employer to register as a lobbying firm. (Sections 82038.5 and 86104.) Because the compensation you receive is in the form of release time from CAUSE, you must file a Lobbying Firm Registration Statement (Form 601) and attach a Lobbyist Certification Statement (Form 604). In addition, the lobbyist employer, CAUSE, must complete a Lobbying Firm Authorization Statement (Form 602) which must be attached to your registration forms. (Section 86100.)

Lobbying firms must list the state agencies whose administrative actions the firm will attempt to influence. (Section 86104(D)(6).) Section 82002 defines "administrative action" as follows:

... means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

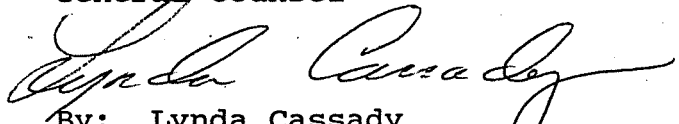
You have stated that in your capacity as the legislative chairman of CAUSE and as President of CASI-ABC you have attempted to influence rules and regulations affecting peace officers for the Department of Alcoholic Beverage Control, PERS and POST. Therefore, these agencies and any additional agencies that you will attempt to influence on behalf of CAUSE should be listed on your registration statements.

However, any proceeding to determine the rights or duties of a person under existing laws, regulations or policies and any proceeding at which an action is taken awarding a grant or contract is not a quasi-legislative proceeding for the purposes of Section 82002. (Regulation 18202(1) and (6).) Therefore, you will not be required to list on your registration statement any state agency in which your only participation is in a proceeding related to interpreting, enforcing or awarding a labor-management contract involving wages, hours, staffing and working conditions as such proceedings are not considered administrative actions. In addition, such activities should not be disclosed on your quarterly lobbying disclosure statements.

If you have any questions regarding this letter, please contact me at 916/322-5662.

Sincerely,

Steven G. Churchwell  
General Counsel



By: Lynda Cassady  
Assistant Division Chief  
Technical Assistance Division