



FAIR POLITICAL PRACTICES COMMISSION

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April 18, 2005

Tyrone D. Bland
T.D. Bland & Associates
3117 Turnbuckle Circle
Elk Grove, CA 95758

**Re: Your Request for Informal Assistance
Our File No. I-05-075**

Dear Mr. Bland:

This letter is in response to your request for advice regarding the lobbying provisions of the Political Reform Act (the "Act").¹ Because your letter seeks general assistance we are treating your request as one for informal assistance.²

QUESTION

Are you precluded from registering or acting as a lobbyist if you have a felony conviction unrelated to the Act?

CONCLUSION

No. Section 91002 only restricts lobbyists' activities as a result of a criminal conviction for a violation of the Political Reform Act.³

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; regulation 18329(c)(3), copy enclosed.)

³ Our advice is limited to the provisions of the Political Reform Act. There may be other provisions of law that apply, and you may wish to contact the Office of the Attorney General with respect to any such laws.

FACTS

You are a registered lobbyist. You have been charged by the Sacramento County District Attorney's Office with two felony counts: (1) Assault with a deadly weapon; and (2) Gross and negligent discharge of a firearm. In terms of evaluating the affect this legal matter would have on your ability to continue as a lobbyist, you wish to know if the Act precludes you from continuing your profession and practice as a registered lobbyist if you have a felony conviction.

ANALYSIS

Government Code section 91002 provides:

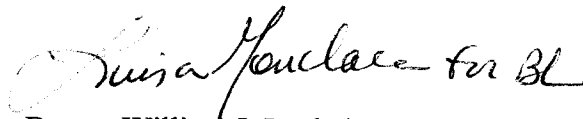
"No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony."

This is the only provision of the Act that restricts lobbyists' activities as a result of a criminal conviction, and it applies only to convictions for violations of the Political Reform Act. Since your facts do not suggest any violations of the Political Reform Act, the Act places no restrictions on your ability to continue practice as a lobbyist as a result of any felony conviction as described above.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel



By: William J. Lenkeit
Counsel, Legal Division

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