



FAIR POLITICAL PRACTICES COMMISSION

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December 31, 2009

Bruce Pomer
170 Gifford Way
Sacramento, CA 95864

This advice letter is SUPERSEDED by *Olson*, Advice Letter No. I-15-065 to the extent that it conflicts with amendments to Section 82015 and Regulation 18215 and the conclusions in that letter that lobbyists are prohibited from hosting in-home fundraisers.

Dear Mr. Pomer:

Re: Your Request for Advice
Our File No. A-09-258

Dear Mr. Pomer:

This letter responds to your request for advice regarding the campaign and lobbying provisions of the Political Reform Act (the "Act").¹

Nothing in this letter should be construed to evaluate any conduct that may have already taken place, and any conclusions contained in this letter apply only to prospective actions. In addition, this letter is based on the facts presented. The Fair Political Practices Commission ("the Commission") does not act as a finder of fact when it renders assistance. (*In re Oglesby* (1975) 1 FPPC Ops. 71.)

QUESTION

May you and your wife, who are both registered lobbyists, hold a fundraiser for an Assembly candidate in your home if you plan to spend \$500 or less for the event?

CONCLUSION

Yes. Because the total cost of the fundraiser in your home will be \$500 or less, your personal expenditures would not be considered a contribution to the candidate.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FACTS

You and your wife are registered lobbyists. You would like to hold a fundraiser at your home for a candidate for state Assembly. The only costs you anticipate relate to preparing and cleaning your home for the event. Refreshments for the fundraiser will be provided by the candidate's campaign. The total cost of the event including the cleaning fees and the refreshments will be \$500 or less.

ANALYSIS

Section 85702 provides that:

“An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist, and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.”

The term “contribution” is defined in the Act as a “payment . . . except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.” (Section 82015.) A payment is made for political purposes if it is: (1) for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or (2) received by or made at the behest of a candidate. (Regulation 18215(a).)

Section 82015(f) provides an exception to the term “contribution” for payments made by the occupant of a home or office for costs related to any meeting or fundraising event in the occupant's home or office if the costs for the meeting or fundraising event are \$500 or less.

The Commission has advised that the total cost of such an event cannot exceed \$500 and still come within the exception. This includes goods or services provided by the candidate or any other person attending the event. If the cost of the event exceeds \$500, *all* payments are counted as contributions. (*Paiva* Advice Letter, No. A-06-014; *Thompson* Advice Letter, No. A-86-121; *Watson* Advice Letter, No. I-94-219; *Raper* Advice Letter, No. I-87-282.)

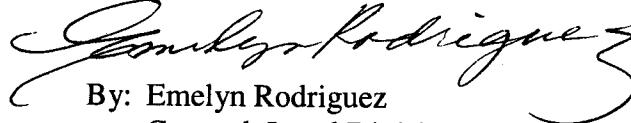
You stated that you do not plan to spend more than \$500 for “preparing and cleaning your home for the event.” You state that the candidate's campaign will pay for the refreshments. So long as the total cost of the event including the candidate's cost for

the refreshments does not exceed \$500, the exception under Section 82015(f) would apply and the payments would not be considered contributions.²

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

Sincerely,

Scott Hallabrin
General Counsel



By: Emelyn Rodriguez
Counsel, Legal Division

ER:jgl

²Payments made by persons other than the occupant such as the campaign's expenses for the refreshments and other items for the event must also be counted to determine if more than \$500 has been spent in connection with the fundraiser. (*Watson Advice Letter, supra.*)