



California Fair Political Practices Commission

April 4, 1988

J. Richard Eichman
Certified Public Accountant
1127 11th Street, Ste. 233
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-88-104

Dear Mr. Eichman:

You have asked for advice on behalf of your client, the Western Mobilehome Association Political Action Committee (WMA PAC), concerning the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTION

You have attached a list of various activities to be performed during 1988 by staff of the Western Mobilehome Association in support of WMA PAC and have asked whether the activities are reportable by WMA PAC as contributions.

CONCLUSION

If any employee of the Association spends 10 percent or more of his or her compensated time in a calendar month engaged in any of the activities outlined on your list, the PAC has received a reportable contribution from the Association.

FACTS

By telephone on March 31, 1988, you confirmed that WMA PAC is a sponsored recipient committee as that term is defined in Section 82048.5, and that the Western Mobilehome Association is the PAC's sponsor. The Association's state director, regional director and support staff will be engaged in various activities during 1988 in

^{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.

support of WMA PAC. A list of the specific activities to be undertaken was attached to your letter.

ANALYSIS

The Act provides that officeholders, candidates and committees must file periodic reports disclosing contributions received and expenditures made in connection with elections. (Sections 84200 et seq.) Section 82015 and Regulation 18215 define the term "contribution" to include any monetary or non-monetary payment for which full and adequate consideration is not made to the donor which is received by or made at the behest of:

An organization formed or existing primarily for political purposes ... including but not limited to a political action committee established by any membership organization, labor union or corporation.

Regulation 18215(a)(2)(D).

Regulation 18423 states that the payment of salary, reimbursement for personal services or other compensation by an employer to an employee is a contribution when the employee spends 10 percent or more of his or her compensated time in any one month rendering services for political purposes. Personal services are rendered for political purposes if they are received by or made at the behest of a candidate or committee. (Regulation 18423(b)(1)).

A payment is "made at the behest" of a candidate or committee if it is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with or at the request or suggestion of the candidate or committee. (Regulation 18215(b).)

As the sponsor of WMA PAC, all payments made by the Association in support of the PAC clearly would be made at the PAC's behest. Therefore, if any individual Association employee spends 10 percent or more of his or her compensated time in any calendar month engaged in the activities outlined in your letter, WMA PAC must report the services as contributions from the Association.

If you have any questions about this advice letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

Carla Wardlow

By: Carla Wardlow
Political Reform Consultant

J. RICHARD EICHMAN
Certified Public Accountant
1127 11th STREET, SUITE 233
SACRAMENTO, CALIFORNIA 95814 F P
TELEPHONE (916) 442-2280

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March 8, 1988

Jeanne Pritchard
Chief, Technical Assistance
and Analysis Division
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Jeanne:

As treasurer for the Western Mobilehome Association Political Action Committee (WMA PAC), I am required to determine the value of services rendered on behalf of WMA PAC. During 1988, staff of the Western Mobilehome Association will be performing various activities in support of WMA PAC. The purpose of this letter is to seek your guidance as to whether or not these activities are reportable as contributions or expenditures pursuant to 2 Cal. Admin. Code Section 18215 or 18225, respectively.

I have enclosed a list of activities which Western Mobilehome Association staff will be performing during 1988. I would like you to notify me whether or not these activities are reportable as contributions or expenditures.

Thank you for your assistance in this matter.

Sincerely,



J. Richard Eichman

JRE/rs

State Director:

Travel to WMA PAC committee meetings.

Hold discussions with political consultants and field staff on strategies for ballot issues to be funded by WMA PAC monies.

Discuss proposed WMA PAC contributions for local candidates with field staff and parkowners.

Review and sign each WMA PAC request for funds as submitted by field staff.

Review special WMA PAC fundraising requests not previously authorized by PAC Board of Trustees; consult with PAC chairman for approvals.

Review annual local government PAC budget recommendations as submitted by field staff; consult with them regarding changes.

Develop WMA PAC Board of Trustees' meeting agendas.

Produce cumulative, annual financial WMA PAC expense history.

Review WMA PAC monthly financial statements as submitted by WMA PAC Treasurer; review and approve all billings for WMA PAC-related expenses before payment.

Process correspondence for WMA PAC chairman and distribute to members.

Prepare WMA PAC meeting minutes.

Regional Director:

Provide political expertise to parkowners during local elections involving WMA PAC contributions.

Provide liaison to political consultants during initiative campaigns and other major election efforts.

Perform voting precinct analysis studies.

Determine specific candidates running for office in all city/county elections.

Prepare WMA PAC budget recommendations for all elected officials requiring WMA PAC support.

Set up candidate interviews and organize parkowner meetings to determine proper candidates to support.

Help parkowners form committees to work with political consultants on ballot issues.

Initiate individual WMA PAC check requests for all approved candidates and/or ballot measures. Deliver PAC checks when issued.

Support Staff:

Compile budget material as it is received from individual field staff.

Supervise computer input of budget material for final reports to WMA PAC Committee; review for accuracy.

Make arrangements for PAC meetings; supervise typing of WMA PAC minutes; prepare packets for distribution to PAC Board prior to meetings.

Review and process all local government requests for PAC checks; keep detailed records of checks issued to reconcile with monthly Treasurer's report; ensure accuracy of WMA PAC checks as they are received; distribute to appropriate parties.

Compile extensive reports on election results of WMA PAC-supported candidates at the local level.

Enter data on the computer for WMA PAC budgets, minutes of meetings, election results, and other related WMA PAC activities.

Process state and assembly budget recommendations for PAC contributions after consultation with WMA state lobbyists.

Coordinate all state level requests for fund-raisers and special contributions.

Keep computerized records of all state level contributions.

Contact facilities for PAC meeting reservations; mail agenda and board packets to trustees.

88-104

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J. Richard Eichman

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Review special WMA PAC fundraising requests not previously authorized by PAC Board of Trustees; consult with PAC chairman for approvals.

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California Fair Political Practices Commission

March 16, 1988

J. Richard Eichman
Certified Public Account
1127 - 11th Street, Suite 233
Sacramento, CA 95814

Re: 88-104

Dear Mr. Eichman:

Your letter requesting advice under the Political Reform Act was received on March 10, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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 the 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,

Jeanne Pritchard
Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh