



**Becky Armendariz Klein**

TEXAS DISTRICT 25



AOR-2004-17

March 29, 2004

RECEIVED  
FEDERAL ELECTION  
COMMISSION OFFICE OF  
SECRETARIAT  
2004 MAY 11 PM 3:35:50 PD 12:55

Federal Election Commission  
Office of General Counsel  
999 E Street, NW  
Washington, DC 20463

Re: Advisory Opinion Request

Dear Commissioners:

I am currently a candidate for the U.S. House of Representatives from the 25th Congressional District of Texas. I have recently resigned as Chairman of the Texas Public Utility Commission and would like, during my candidacy, to accept part-time employment as a consultant with a law firm.

My consulting work for the law firm would be for purposes genuinely independent of my candidacy and my campaign. The compensation for this consulting position would be on an hourly basis for consulting services actually rendered. If I do not perform the consulting services, I will not be paid. The rate of compensation will be commensurate to that earned by similarly qualified consultants who perform similar services.

It appears from FEC Advisory Opinion 1979-74 that such a consulting arrangement would be permissible under the Federal Election Campaign Act of 1971, as amended, (Act) and the Commission's regulations. In this light, I would appreciate your confirming that the payments from the law firm that I would receive for my consulting services would not be "contributions" nor "expenditures" under the Act.

Sincerely,

Becky Armendariz Klein  
P.O. Box 1508  
Austin, TX 78767-1508



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 7, 2004

Becky Armendariz Klein  
Becky Armendariz Klein for U.S. Congress  
P.O. Box 1508  
Austin, TX 78767-1508

Dear Ms. Klein:

This refers to your letter dated March 29, 2004, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to your proposal to accept part-time employment as a consultant with a law firm while you are a candidate for the U.S. House of Representatives.

Your request sets forth the following relevant facts: Your consulting work for the law firm would be for purposes independent of your candidacy. You would be compensated on an hourly basis for consulting services actually rendered, so that if you do not perform consulting services, you will not be paid. Finally, your rate of compensation would be commensurate with that paid to similarly qualified consultants performing similar services.

The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. 437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). According to the regulations, the Office of General Counsel shall determine if a request is incomplete or otherwise does not qualify as an advisory opinion request. *See* 11 CFR 112.1(d).

Further information is needed for your request to provide a complete description of the relevant facts. Please provide responses to the following questions:

- 1) What is the nature of the consulting services that you will be providing to the law firm? What type of work and/or subject matter analysis will you provide in return for compensation?
- 2) Do you intend to use the law firm's facilities for any campaign-related purposes, such as placing campaign-related phone calls from the law firm's phone? Do you intend to use the facilities of any consulting client for similar campaign-related services?

Please send your responses to the questions presented above to the Commission's Office of General Counsel. Upon receipt of your responses, this Office will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Margaret Perl, an attorney in this Office, at 202-694-1650

Sincerely,

A handwritten signature in cursive script that reads "Rosemary C. Smith". The signature is written in black ink and is positioned above the printed name and title.

Rosemary C. Smith  
Associate General Counsel

April 30, 2004

Ms. Rosemary C. Smith  
Associate General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 MAY 11 A 10:00

Dear Ms. Smith:

This letter is in response to your request dated April 7, 2004 for more information concerning my inquiry about the legalities of accepting part-time employment as a consultant with a law firm while a candidate for U.S. House of Representatives.

Below I have set forth additional facts to further elucidate the circumstances of this inquiry, as they pertain to the following two questions you have asked:

- 1) What is the nature of the consulting services that you will be providing to the law firm? What type of work and/or subject matter analysis will you provide in return for compensation?

Answer: The nature of the consulting services contemplated include assisting the law firm to: 1) identify and understand relevant and timely telecommunication issues being addressed among state public utility commissions throughout the country on which the firm may want to focus their business development; 2) assisting in strategizing and implementing the firm's efforts to gain understanding of the positions of key state and federal regulators, as well as relevant members of the administration; and 3) offering technical and policy expertise concerning a variety of telecommunications issues and advising firm clients where appropriate. The type of work will be in the form of strategic planning and discussions with state and federal regulators and policy makers.

- 2) Do you intend to use the law firm's facilities for any campaign-related purposes, such as placing campaign-related phone calls from the law firm's phone? Do you intend to use the facilities of any consulting client for similar campaign-related services?

Answer: I will not use the law firm's facilities for any campaign-related purpose or activity, whatsoever. Nor will I use the facilities of any client of the firm for any purpose that may be considered campaign-related. My affiliation with the law firm as a consultant would be completely unrelated and separate from the campaign activities. Any campaign activity would be kept separate and apart from my consulting services with the firm.

Thank you for your time and consideration of this inquiry. Please contact me at the numbers below should you require any further information.

Sincerely,

A handwritten signature in cursive script that reads "R A Klein".

Becky Armendariz Klein  
P.O. Box 1508  
Austin, TX 78767-1508  
512-220-2770 (phone)  
512-477-0009 (fax)

