

DANIEL P MOYNIHAN  
NEW YORK

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ELECTION COMMISSION

**United States Senate**  
WASHINGTON, DC 20510-3201

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February 19

The Honorable John Warren McGarry, Chairman  
Federal Elections Commission  
999 E Street, N.W.  
Washington D.C. 20463

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FEDERAL ELECTIONS COMMISSION  
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AOR  
1991-04

Dear Mr. McGarry:

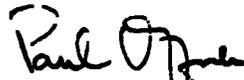
Having recently been appointed to be a Regents' Lecturer at the University of Santa Barbara, California, from April 22 to May 5, I am writing to inquire whether I can accept this appointment and the accompanying payment of \$7,500. Since the event will shortly be upon us, I have been encouraged to seek an expedited Advisory Opinion from the Commission.

Attached are:

1. documents from the University of California - Santa Barbara describing the appointment, and listing the responsibilities of a Regents' Lecturer; and
2. a letter from the staff director of the Senate Ethics Committee indicating that nothing in the Senate Code of Conduct prohibits me from accepting the appointment but encouraging me to contact the Federal Election Commission concerning the honorarium/stipend question.

Thank you for your attention to this matter. I can be reached at 224-4451 if there are any questions.

Sincerely,

  
Paul Offner

HOWELL HEFLIN, ALABAMA, CHAIRMAN  
WARREN B. RUDMAN, NEW HAMPSHIRE, VICE CHAIRMAN  
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JESSE HELMS, NORTH CAROLINA  
TRENT LOTT, MISSISSIPPI

WILSON R. ASNEY, STAFF DIRECTOR/CHIEF COUNSEL  
ANNETTE M. GILLIS, CHIEF CLERK

# United States Senate

SELECT COMMITTEE ON ETHICS

HART SENATE OFFICE BUILDING, ROOM 220  
SECOND AND CONSTITUTION AVENUE, NE  
WASHINGTON, DC 20510-8425  
TELEPHONE 224-2981

February 12, 1991

The Honorable Daniel P. Moynihan  
United States Senate  
Washington, D.C. 20510

Dear Senator Moynihan:

This responds to your February 5, 1991 letter concerning the nomination of Paul Offner, your Legislative Assistant in Education, to be a Regents' Lecturer, at the University of Santa Barbara, California from April 22, 1991 - May 5, 1991. You ask for an opinion on whether the compensation which Dr. Offner will receive for his services would be considered an honorarium or a teaching stipend under Senate Rules.

We understand that Dr. Offner will maintain an office on the campus of the University and will provide continuing services to the University over the two-week period. In addition to delivering at least two public lectures and teaching seminars scheduled by the Department of History, his duties will include set hours for consulting with students and faculty and scheduled class visitations. He will be paid \$7,500 from which he will personally pay for his round-trip air transportation from Washington, D.C. to California, and any lodging and related expenses that he might incur.

The Federal Election Commission administers 2 USC 441i which provides that Federal officials may not accept more than a \$2,000 honorarium for any speech, article, or appearance. Regulations promulgated by the Federal Election Commission pursuant to 2 USC 441i (11 CFR 110.12(c)(3)) define "stipend" as a "payment for services on a continuing basis including a salary or other compensation paid by news media for commentary on events . . . ." An "honorarium" is "payment of money or anything of value received by an officer or employee of the Federal government, if it is accepted as consideration for an appearance, speech, or article" (11 CFR 110.12(b)).

Nothing in the Senate Code of Conduct would prohibit Dr. Offner's accepting the position as Regents' Lecturer as described in your letter so long as the activity was approved by you under paragraph 3 of Senate Rule 37. However, since 2 USC 441i governing honoraria is administered by the Federal Election Commission, any

interpretation of that statute must be made by that agency. Mr. David Gartner, Senate Liaison Office, Federal Election Commission, advised us that no clear precedent for this fact situation exists in the Commission's previous rulings, and suggested that an expedited Advisory Opinion be requested.

Alternatively, the Commission could determine that the compensation qualifies as a stipend, or that each lecture, in addition to each consultation, seminar and class visitation, is a separate honorarium appearance.

If Dr. Offner seeks an Advisory Opinion, he may address the request to The Honorable John Warren McGarry, Chairman, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, and he may wish to specifically request consideration of the alternatives suggested above.

Finally, Dr. Offner should be aware that Advisory Opinions are published by the Federal Election Commission and are of public record. Attached for your information purposes, are relevant Federal Election Commission Advisory Opinions concerning honoraria.

With kind regards.

Cordially,



Wilson R. Abney  
Chief Counsel/Staff Director

# UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF HISTORY

SANTA BARBARA, CALIFORNIA 93106

October 31, 1991

Dear Members of the 1990/91 Regents' Lecturer Selection Committee:

On behalf of the History Department, and with the support of the Departments of Economics, Political Science, Black Studies and Sociology, I would like to nominate Dr. Paul Offner as a 1990-91 Regents' Lecturer. Offner, a politician, high-level state administrator, health-care expert and outstanding public servant, would bring to the UCSB campus a rich perspective on the relationships between electoral politics, policy making, and policy implementation. As the accompanying letters of support demonstrate, he would be warmly welcomed by such diverse campus interests as the Women's Center, the Special Education Program, History of Science and Medicine, and Public History. His selection as Regents' Lecturer would bring together and focus a broad cross-section of interdisciplinary interests.

Offner's career is marked by high political and administrative achievements. He served as Assistant Majority Leader in the Wisconsin State Senate, reaching that position in a way unusual in politics--by the strength of his policy agenda and his ability to see it through. More recently, he has served as Ohio's Deputy Director of Human Services, an administrative appointment that put him at the helm of that state's Public Assistance and Health Care Programs. (See accompanying resume.) In both these endeavors, he has earned the highest respect of his colleagues and the public. As an elected official, he was commonly found at the top of the newspaper "best legislator" lists, and as Deputy Director of Human Services, his performance resulted in his appointment by the Governor to chair the Interdepartmental Task Force on Welfare Reform. It is most unusual to find a public servant with high electoral and administrative achievements in two different states. We in the History Department are genuinely excited by the prospect of his visit.

In recent years the states have been the source of policy innovation in the delivery of human services. The federal government with its budgetary constraints and thick bureaucratic overlay has been trapped to the point of paralysis. The policy stars are at the state level, and by all accounts, Dr. Offner is one of those stars. UCSB will benefit from the Offner experience as an innovator--he authored Wisconsin's highly controversial Hospital Cost Containment legislation, and won federal waivers for Ohio's "Project Learn," a unique program that provides financial rewards to teen mothers who stay in school. We will also benefit from the unusual congruence in his career of high elective office and high administrative appointment. This combination allows him to comment intelligently on the interplay between legislative and administrative politics and policy making

Dr. Offner has given us seven possible topics from which to choose his Regents' lectures. They are 1) The American Political System. Is It Still Able to Address Social Problems? 2) Lessons From The Past: The Politics of Health-Care Legislation, 3) Rationalizing America's Health Care System, 4) Public Policy Toward the Poor: Welfare Reform, 5) Careers in Government Services, 6) Reforming the Political Campaign Process, and 7) The Emerging Centrality of State Politics and Administration. In addition to the Regents' Lectures, meetings with regularly scheduled classes, contacts with professors and graduate students, and participation in Public History's ongoing faculty seminar, Dr. Offner has agreed to meet an ad hoc interdisciplinary seminar specially convened to take advantage of his presence on campus. We anticipate that students and faculty from a wide array of disciplines will want to participate.

In reviewing the letters of support on the Offner nomination, I am struck by the diversity of interest in this appointment. Some respect the combination of Ph.D. Economist and practical practitioner. Some see him as a way to unify and ignite campus public policy interests. Others identify specific graduate students he should meet or classes he should address. For others, he speaks directly to their research interests. Within the History Department alone, Professors Brownlee, Graham, Kelley, Kalman, Cohen, Bergstrom and Osborne (lecturer), have specific interests that will be well-served by this appointment. Professor Appelbaum, Chair of Sociology, speaks to his personal qualities, saying, "He is one of those rare persons who combines a strong commitment to social ethics with an in-the-trenches understanding of the political process."

There is one more point that merits attention. The appointment of Dr. Offner as Regents' Lecturer would provide this campus with an outstanding opportunity to enhance University/Community relations. Dr. Offner's work has had a substantial impact on local policy implementation. Dr. Offner's Ohio welfare reform work initiated a nationwide movement that has changed the focus and responsibilities of local welfare workers. Formerly, their main goal was to process applications. Now their job is to promote school attendance, locate training programs, and help applicants find jobs. The shift has been significant and is spreading across the country. Another local effect of Offner's work is summarized in the statistic that Child Support collections in Ohio increased 300 percent during his tenure as Deputy Director of the Department of Human Services. Local health and social services providers should have a keen interest in Dr. Offner's views and perspectives. If he were selected as a Regents' Lecturer, the Department would work diligently to maximize opportunities to make his visit here a positive University/Community experience.

At this time, Offner has returned to the world of electoral politics as the communications director for Wisconsin's Democratic gubernatorial candidate. On behalf of the History Department, I respectfully request that the Selection Committee name Dr. Offner a Regents' Lecturer for the 1991 winter term.

Sincerely,

Sears McGee  
Chair  
Department of History

REGENTS' LECTURER APPLICATION FORM

Please complete all of the following questions. Include with this application, a cover letter, all supporting letters, a current curriculum vitae/biographical information; related articles or reviews, and other supporting data. Departments may propose more than one candidate, but they should be prioritized.

The deadline for submitting nominations to UCSB Arts & Lectures is April 1, 1990

Send nominations Roman Baratiak  
Films & Lectures Manager  
Arts & Lectures

Candidate's name Dr. Paul Offner  
Address. 524 Division St.  
La Crosse, WI 54610  
Phone # 608-257-1141  
Citizenship: U.S.A.

What evidence do you have that the candidate is interested in serving as a Regents' Lecturer?

Consented to nomination on telephone. Confirmed in brief note to History Dept.

Proposed quarter of residency Winter 1991

Estimated length of stay 2-3 weeks  
(minimum of 2 weeks)

Estimated stipend required \$ 7,500  
(ranges from \$4500 to \$7900)

Proposed public lecture topics (minimum of 2) Dr. Offner proposed that we choose from the following topics: 1) The American Political System, Is It Still Able To Address Social Problems? 2) Lessons From The Past, The Politics of Health-Care Legislation.

3) Rationalizing America's Health Care System, 4) Public Policy Toward The Poor: Welfare Reform, 5) Careers In Government Service, 6) Reforming the Political Process, and 7) The Emerging Centrality of State Politics and Administration.

Additional proposed activities. List class visits, office hours, seminars, etc. (If possible, list specific class titles.)

Confirmed requests for class visits: 1) Intro. to Black Studies, Blc. Std. 1, Horne; 2) Intro. to Public Admin., Poli Sci 181, Wyner; 3) Budgeting in Public Organizations, Poli Sci 183, Winans; 4) History of Social Policy in the U.S., Hist. 148A, Bergstrom; 5) Politics and Public Policy in the U.S., Hist. 272A, Kelley; 6) Sociology of Black-White Relations, Blk Studies 39A, S. Fisher CONTINUED NEXT PAGE

Additional proposed activities--CON U. O, ...  
Mel Semmel. Also proposed: meetings with grad. students, individual faculty and local Santa Barbara Human Services practitioners. Invited to meet with History Faculty Seminar on 'History and Public Policy.' Has offered to give inter-disciplinary seminar on health care administration. Women's Center presentation, 'Women and Public Policy.' See letters of support for suggestions for additional activities.

Does candidate speak English fluently? (yes) x or (no) \_\_\_\_\_  
If no, what other arrangements have been made

Has candidate visited UCSB previously? (yes) \_\_\_\_\_ or (no) x  
If yes, in what capacity, for how long and when

Nominating department: History  
contact. Prof. Sears McGee, Chairman  
phone. 2700

Other supporting departments, non-academic units, etc.:  
Economics, Political Science, Sociology, Black Studies. Special Education  
and the Women's Center.

Was the nomination approved at a departmental faculty meeting?  
(yes) x or (no) \_\_\_\_\_ Unanimous vote in favor at Oct. 10 Department meeting

If more than one candidate is being proposed by the department, which candidate has a higher priority?

Who will be responsible for reporting back about the details of the visit?  
Gail S. Humphreys, Senior Administrative Analyst, Public History. #3635

MS  
The Appointment Process

Although appointees are usually hosted by a single academic department, we encourage involvement by additional academic departments, non-academic support programs and University Institutes. Nominations for both Lecturers and Professors should demonstrate broad support within the host department and among other campus groups by having a number of co-signers. Regents' Professor nominations should be submitted by the department Chair after polling faculty members.

Nominations are accepted throughout the year and are reviewed by an Arts & Lectures committee composed of faculty, staff and student representatives. Nominations are due April 1 for the following academic year. If additional funds remain after this meeting, further nominations will be accepted until November 1 for the current academic year.

It is of utmost importance that nominations be made by faculty members with the full support of their department, since the appointee's campus role will be primarily a departmental concern. However, University Institutes and non-academic support programs are encouraged to recommend possible candidates to academic departments.

Announcers who have previously held visiting lecturer/ professor or other appointments of some duration at UCSB are not a high priority for those who have simply presented the occasional public lecture in the past. It is perfectly appropriate, however, and may even function as a helpful "audition." Departments should prioritize nominations if more than one is submitted, although the review committee is not bound by that preference.

Department faculty members should informally inquire as to the candidate's interest and availability prior to making a nomination. When the departmental nominations have been prepared, they should be sent to the Films & Lectures Manager at Arts & Lectures with the following information:

- 1) a completed Regents' Lecturer Nomination Form (to nominate a Regents' Professor, please first contact the Films and Lectures Manager at x2080) with cover letter;
- 2) a current biography of the candidate including educational background, current and past employment, honors and awards, notable accomplishments, publications, etc.;
- 3) evidence of broad support for the candidate's nomination including a statement of the department's intention to act as host (if two or more departments wish to co-host an appointment, comments from each unit should accompany the nomination); and
- 4) assurance that a translator has been found for nominees who do not speak English well.

Lecturers are appointed for a period of two to four weeks. They are responsible for:

- 1) giving two or three public lectures;
- 2) working with students in master classes, workshops and/or seminars;
- 3) visiting classes at the request of an instructor. It is the responsibility of the department to accept invitations from faculty in a variety of interested departments;
- 4) maintaining an office in the host department, and being available for consultation with students and faculty; and
- 5) forwarding a black and white photograph and other background materials to the department.

Professors are appointed for one quarter. They are responsible for:

- 1) giving two or three public lectures;
- 2) teaching an honors class and/or co-teaching a course at the discretion of the department Chair or Dean, and with the consent of the Academic Senate.

### Compensation

Lecturers receive a stipend ranging from \$5,000 to \$8,000. Professors receive a stipend ranging from \$19,000 for the quarter. This stipend corresponds to the salary of Professor, Step VII, min. and is dependent upon the candidate's stature, travel distance, length of stay, and the amount of bank/Regents' Lectures and Professors are expected to pay all of their travel costs, hotel transportation and other living expenses while in Santa Barbara. (Under certain circumstances, funds may be available for transportation to and from Santa Barbara. Requests for travel assistance should accompany nomination.) All Lecturer and Professor appointments are subject to Federal and California state tax laws. (Foreign be exempt if a reciprocal tax agreement exists between their country and the U.S.) The stipend ends at the end of the appointment period.

### Departmental Responsibilities

The department hosting a Regents' Lecturer or Professor is responsible for:

- 1) contacting Arts & Lectures as soon as possible with the exact dates of the visit, lecture description of the talks to be presented;
- 2) locating satisfactory housing and transportation, although the expenses are the respondent's. Housing assistance is available through the Community Housing Office (x131) and can be arranged by contacting Transportation Services (x2924);
- 3) introducing the appointee at public lectures;
- 4) providing furnished office space, with a desk, telephone and chair (Arts & Lectures do not provide the location);
- 5) coordinating the appointee's on-campus schedule, prior to and during the residency, and
- 6) completing and returning to Arts & Lectures the Regents' Lecturer or Professor Evaluation form within two weeks following the visit.

### Arts & Lectures' Responsibilities

Arts & Lectures is responsible for:

- 1) scheduling and organizing the appointee's public lectures;
- 2) all publicity, advertising and news releases;
- 3) audio-visual and day of the lecture set up and arrangements;
- 4) arranging the correct visa status (J-1) for foreign nationals;
- 5) completing all University forms for tax withholding, citizenship status and payment;
- 6) producing materials to announce the public lectures (departments should forward black and white photographs and other background materials from the lecturer); and
- 7) assisting the host department as needed.

Nominating departments will be notified by memo regarding the approval or rejection within a week following the appropriate committee meeting.

For more information, please call Roman Barakat at Arts & Lectures 961 2080.

