

OMSPAC

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Oral and Maxillofacial Surgery Political Action Committee
9700 West Bryn Mawr Avenue, Rosemont, Illinois 60018-5701
(708) 678-6200 / 1-800-822-9637 FAX 708-678-6285

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Colleen M. Nolan, Secretary

March 16, 1995

Additional Information to
Previous Circulation
AOR 1995-14

Mr. Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

**Re: Solicitations By an Individual Member Association PAC When
the Solicitations Occur at a Meeting Held Jointly with Another
Association**

Dear Mr. Noble:

I was recently advised by the American Association of Oral and Maxillofacial Surgeons' (AAOMS) Meetings and Conferences staff that the 1996 AAOMS Midwinter Conference, February 16-18, 1996 in Atlanta, Georgia, is a joint meeting with the American Association of Orthodontists (AAO). In light of the joint nature of this meeting, our organization, the Oral and Maxillofacial Surgery Political Action Committee (OMSPAC), wishes to inquire whether it is permissible under FEC rules and regulations to set up an OMSPAC booth to collect PAC contributions at this meeting.

To aid in your consideration of this inquiry, I provide the following information regarding who will attend this meeting, the location and description of the OMSPAC booth, and booth hours of operation:

AAOMS/AAO 1996 Midwinter Conference

Attendance	Booth Description	Booth Location	Hours of Operation
AAOMS-500	The OMSPAC booth consists of a simple draped counter with a backdrop. The backdrop displays an OMSPAC banner, PAC newsletters and pictures from volunteer visits to Capitol Hill. The counter displays additional copies of the newsletter, brochures, OMSPAC hats and t-shirts.	The booth will be located in the exhibit hall facility for the meeting. The exhibit hall will house attendee registration, AAOMS and AAO exhibitors, and commercial exhibitors.	Friday, February 16, 1996; 6:30 a.m.-6:00 p.m.
AAO-500			Saturday, February 17, 1996; 6:30 a.m.-5:00 p.m.
			Sunday, February 18, 1996; 6:30 a.m.-10:00 a.m.

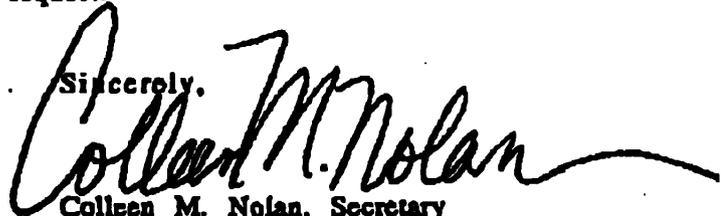
Mr. Lawrence M. Noble, Esq.
March 16, 1995
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The total estimated attendance at the 1996 AAOMS/AAO Midwinter Conference is 1,000 people, and it appears that the attendees will be evenly divided between the two associations.

Should the above configuration for the booth need to be modified in order to comply with FEC regulations, please give your opinion as to what modifications would bring the booth display into compliance with FEC guidelines. We would appreciate your reply at the earliest possible convenience.

Thank you for your consideration of this request.

Sincerely,



Colleen M. Nolan, Secretary
OMSPAC

cc: ✓OMSPAC Board of Directors
Tanya A. Hunt



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

NBC wrote

March 22, 1995

Colleen M. Nolan, Secretary
Oral and Maxillofacial Surgery
Political Action Committee
9700 West Bryn Mawr Avenue
Rosemont, IL 60018-5701

Dear Ms. Nolan:

This responds to your letter dated March 16, 1995, which requests an opinion regarding application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a fundraising proposal of the Oral and Maxillofacial Surgery Political Action Committee ("OMSPAC").

You state that OMSPAC proposes to set up an exhibit booth at the scheduled February 1996 Midwinter Conference of its connected organization, the American Association of Oral and Maxillofacial Surgeons ("AAOMS"). The booth would display various items identifying OMSPAC and would also be used to collect contributions from those attending the conference. You further explain, however, that this conference will be a joint meeting with the American Association of Orthodontists ("AAO"). The expected attendance (of 1000) will be evenly divided between members of AAOMS and AAO. The booth would be accessible to all attendees since it would be located in the exhibit hall facility used for the event.

You ask whether the booth display, and the fundraising activity conducted at the booth, is permissible under Commission regulations. If not, you request an opinion as to "what modifications would bring the booth display into compliance with FEC guidelines."

The Act authorizes the Commission to issue an advisory opinion 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). The regulations further 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). The regulations also state that this office shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d).

In view of the requirement for a complete description of the factual situation presented, you will need to provide further information that will fully describe the relevant facts and clarify the legal issues presented by your inquiry. Please respond to the following questions.

- 1) State whether there is overlapping or common membership as between AAOMS and AAO. If so, give an explanation as to the extent of such common members in both organizations. In other words, what % of AAOMS members are also AAO members, and what % of AAO members are also AAOMS members?
- 2) Describe the extent to which both organizations share the same directors (or trustees) or officers or key employees. In other words, are any of the same individuals serving as directors or officers or key employees of both AAOMS and AAO? If so, give the details as to such arrangements.
- 3) Explain the circumstances and reasons why the joint February 1996 conference is planned by the two entities and describe the extent to which, if at all, this has occurred (or will occur) in other years, including 1995 and earlier.
- 4) Describe the extent to which, if at all, the attendees at the 1996 joint conference may include persons who would not be qualified, professional members of either AAOMS or AAO. In addition, as to those likely attendees who may not be members of either organization, how many would also not qualify as employees of either AAOMS or AAO? Describe the categories of likely conference attendees who would not be either members or employees of either entity and explain the reasons why they would likely attend the joint AAOMS/AO conference.
- 5) Does OMSPEC follow a policy of rejecting contributions from individuals who are not qualified AAOMS members or executive level employees of AAOMS? If so, describe the policy, including an explanation of how it is enforced and the length of time it has been followed.

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Upon receiving your responses to the above questions, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble
General Counsel

BY:



N. Bradley Litchfield
Associate General Counsel



Oral and Maxillofacial Surgery Political Action Committee
9700 West Bryn Mawr Avenue, Rosemont, Illinois 60018-5701
(708) 678-6200 / 1-800-822-6637 FAX 708-678-6286

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April 17, 1995

Mr. Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ATTN: Mr. N. Bradley Litchfield, Esq.
Associate General Counsel

AOR 1995-14

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OFFICE OF THE
SECRETARY

Dear Mr. Noble:

Thank you for your letter of March 22, 1995. We appreciate your response and wish to provide you with the information below pursuant to your specific requests.

- 1) Is there overlapping or common membership between the AAOMS and AAO?
No.
- 2) Describe the extent to which both organizations (AAOMS and AAO) share the same directors, trustees, officers, or key employees.
The AAOMS and the AAO do not share any common directors, trustees, officers or key employees.
- 3) Explain the circumstances and reasons why the joint February 1996 conference is planned by AAOMS and AAO, and describe the extent to which this has occurred or will occur in other years, including 1995 and earlier.
Oral and maxillofacial surgeons and orthodontists share similar educational backgrounds and interests, and often collaborate to offer state of the art patient care. The two organizations believe there are mutual benefits in sharing knowledge between the fields of oral and maxillofacial surgery and orthodontia. In past years, the AAOMS and the AAO have held four joint meetings, in 1980, 1983, 1986 and 1991. No future joint meetings are planned at this time.
- 4) Describe the extent to which, if at all, the attendees at the 1996 joint conference may include persons who would not be qualified, professional members of AAOMS or AAO. How many of those in attendance who are not qualified members would also not qualify as employees of the AAOMS or the AAO? Describe the categories of likely conference attendees who are not either members or employees of the AAOMS or AAO, and explain the reasons why they might attend the joint AAOMS/AAO conference.
In addition to the approximately 900 (revised based upon new budget figures) qualified, professional AAOMS and AAO members estimated to attend the 1996 AAO/AAOMS Midwinter Conference, an estimated 1325 additional persons in attendance would not qualify as professional members of the AAOMS or the AAO. Of the 1325

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estimated persons who are not qualified, professional members, 30 are employees of either AAOMS or the AAO. Therefore, the remaining 1295 estimated persons may be categorized in the following manner:

Paying

200 residents/graduate students;
15 non-members (related dental specialties);
200 professional and allied staff (persons employed in the offices of oral and maxillofacial surgeons and orthodontists); and
180 exhibiting personnel (persons employed by businesses which offer goods and services of interest to oral and maxillofacial surgeons and orthodontists).

Non-Paying

700 spouses and other guests (family members)

These above persons would attend the joint AAOMS/AAO conference for a variety of reasons, based upon each of the individual categories. Residents, graduate students and non-member dental specialists would attend the conference primarily for the educational benefits available through the continuing education courses given during the meeting. Professional and allied staff, as well, would attend the conference for the educational courses offered specifically to those in the dental assisting professions. The exhibiting personnel would attend the conference because of the unique business opportunity it offers them in reaching potential oral and maxillofacial surgery and orthodontia customers. The remaining persons, spouses and other guests, would attend the conference to participate in the extracurricular and social activities planned during conference meetings. The persons in this last category would have access to the exhibit hall housing the OMSPAC booth by virtue of their status as guests of paying conference attendees.

5) Does OMSPAC follow a policy of rejecting contributions from individuals who are not qualified AAOMS members or executive level employees of AAOMS? If so, describe the policy, including an explanation of how it is enforced and the length of time it has been followed.

Yes. Contributions from non-qualified AAOMS members or non-executive level AAOMS employees are returned with a letter explaining the reason(s) the contribution cannot be accepted. This policy has been in place since OMSPAC was founded in 1971.

I trust the above information makes our request for an advisory opinion a "complete written request". Please contact me if you have additional questions or concerns. We look forward to your response.

Sincerely,



Colleen M. Nolan
Secretary, OMSPAC

cc: OMSPAC Board of Directors
Tanya T. Hunt